IMT Nuremberg Archives

H – 162

International Court of Justice

H0162 – 0001

H0162 - 0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 21 June 1946, 1000-1700, Lord Justice Lawrence, presiding.

ALBERT SPEER--Resumed
DIRECT EXAMINATION--Continued

THE PRESIDENT: Have you finished, Dr. Servatius?

DR. SERVATIUS: Yes.

THE PRESIDENT: Very well. Do any other defendants' counsel want to ask any questions?

BY DR. KRAUS: (Counsel for the defendant Schacht)

Q Mr. Witness, on the 25th of January 1946 you gave two statements to my client in the prison here at Nurnberg. During his examination, Dr. Schacht has referred to those two statements very briefly, and I should like to have the Tribunal's permission, in order to make this brief, to be allowed to read the statement which the defendant gave on that day so that I can have it confirmed that the statement is correct. They are very brief. The first statement reads as follows:

"I was on the terrace of the Berghof at the Obersalzberg and I was waiting to submit my constructional plans--this was in the summer of 1937--when Schacht appeared at the Berghof. I heard a loud argument on the terrace, taking place between Hitler and Schacht in Hitler's room. Hitler's voice increased to maximum volume. At the end of the discussion, Hitler came out on the terrace and, visibly excited, he told his entourage that he could not collaborate with Schacht, that he had had a terrific argument with him, and that with his methods of financing, Schacht was disturbing his plans."

Now, this is the first statement. Is it correctly represented?

A Yes, it is.

Q Then, the second statement deals with theevents after the 20th of July. The statement says:

"It was on the 22nd of July that Hitler said in my presence"---

THE PRESIDENT: (Interposing) What year?

DR. KRAUS: 1944, your Lordship.

H0162 - 0003

Q (Continuing): "---that Schacht, as one of the opponents of the totalitarian system, should be one of those to be arrested. Subsequently, Hitler spoke very severely against Schacht's activities, and he spoke about the difficulties which he, Hitler, had experienced through Schacht's economic policy with reference to rearmament. He said that actually a man like Schacht, because of his activity before the war, ought to be shot."

The last sentence of the statement says:

"Because of the severity of the statement, I was surprised to find that I was meeting Schacht alive."

Is that statement correct, too?

A Yes, it is.

THE PRESIDENT: Do any of the other defendant's counsel want to ask questions?

Then, does the Prosecution wish to cross examine?

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q Defendant, counsel divided your examination into two parts which he described first as your personal responsibilities, and secondly as the political part of the case, and I will follow the same division.

You have stated a good many of the matters for which you were not responsible, and I want to make clear just what your sphere of responsibility was.

You were not only a member of the Nazi Party after 1932, but you held high rank in the Party, did you not?

A Correct.

Q And what was the position which you held in the Party?

A I have already mentioned that during my pre-trial interrogations.

Temporarily, in 1934 I became a department head in the German Labor Front, working for improvement of working conditions in German firms. Then I became Official in Charge of Construction in Hess' staff, both positions being dropped by me when I resigned in 1941. The minutes of the conference which I had with Hitler in that respect are available, and after the 8th of February 1942 I automatically became Department Chief of the Reich Command of the NSDAP.

H0162 - 0004

Q And what was your official title?

A The titles in the Party were newly introduced, and they were so complicated that I can't tell you at the moment what they were. But the activities I carried out were those of the Department Chief of the Reich Command of the NSDAP, Reichsdienst Leiter.

Q In the 1943 director, it would appear that you were the Hauptamt fuer Technik.

A Yes.

Q Your rank appears to be Oberbefehlsleiter.

A Yes, that is quite possible.

Q ---which I understand corresponds roughly to a lieutenant general in the Army.

A Well, compared to the other tasks, which I had, it was very little.

Q And you attended Party functions from time to time and were informed in a general way as to the Party program, were you not?

A Before 1942 I participated in the Party rallies here in Nurnberg because I was a participant in my capacity as an architect. Apart from that, naturally, I was generally present during official Party meetings or Reichstag meetings.

Q And you heard discussed and were generally familiar with the program of the Nazi Party in its broad outline, were you not?

A Oh yes, of course.

Q There is some question as to just what your relation to the SS was. Will you tell me whether you were a member of the SS?

H0162 - 0005

A. No, I was not a member of the SS.

Q. You filled out an application at one time, or one was filled out for you, and I believe you never went through with it, or something of that sort.

A. This was in 1943, when Himmler wanted me to get a high rank in the SS. He had desired that earlier, quite frequently, while I was still an architect. I extricated myself from the situation by saying that I would be willing to become an ordinary SS man under him because I had already been an SS man once before. Thereupon, Group Leader Wolff filled in a questionnaire. He wanted to ascertain how my previous SS activity in 1932 had happened and what it looked like. It turned out that at the time I was not kept on the membership lists of the SS, a fact which therefore made it impossible to carry out the SS membership affair because I did not want to be a new member of the SS.

Q. And why did you not want to be a member of the SS, which was after all one of the important Party formations?

A. No, I was known for the fact that I turned down all these honorary ranks. I did not want to have them, because it was my opinion that one should only hold a rank when one had the responsibility.

Q. And you did not want any responsibility in the SS?

A. I had too little contact with the SS, and I did not want any responsibility in that connection.

Q. Now there has been some testimony about your relation to concentration camps, and, as I understand it, you have said to us that you did use and encourage the use of force labor from the concentration camps.

A. Yes, we did use these in German armament industry.

Q. And I think you also recommended that persons in labor camps who were slackers be sent to the concentration camps, did you not?

A. That was the question of the so-called idlers or slackers, (Bumelanten), and under that name we understood workers who did not come to their places of work in good time or were pretending to be ill. Against such workers, during the war, there were severe measures. I approved of these measures.

H0162 - 0006

Q. In fact, in the October 30, 1942 meeting of the Central Planning Board, you brought the subject up in the following terms, did you not -- quoting Speer:

"We must also discuss the slackers. Ley has ascertained that the sick list decreased to one fourth or one fifth in factories where doctors are on the staff who are examining the sick men. There is nothing to be said against SS and Police taking drastic steps and putting those know as slackers into concentration camps. There is no alternative. Let it happen several times, and the news will soon go around."

That was your recommendation?

A. Correct.

Q. In other words, the workmen stood in considerable terror of concentration camps, and you wanted to take advantage of that to keep them at their work, did you not?

A. It was certain that, as far as we were concerned concentration camps had a bad reputation, and the transfer or threat of transfer to a concentration camp would, right from the beginning, reduce these deficiencies in work. But in that meeting, as I have already said, no more was talked about that. That was one of the many remarks which one might make during wartime when one is upset.

Q. However, it is very clear -- and if I misinterpret you, I give you the chance to correct me -- that you understood the very bad reputation that the concentration camps had among the workmen and that the concentration camps were regarded as being much more severe than the labor camps as places to be.

A. That is correct. I knew that, but I did not know, of course, what I have heard during this trial. The other things were generally known facts.

Q. Well, it was know throughout Germany, was it not, that the concentration camps were pretty tough places to be put?

A. Yes, but not in the sense which has been uncovered in this trial.

Q. And the bad reputation of the concentration camp, as a matter of fact, was a part of its usefulness in making people fearful of being sent there, was it not?

H0162 – 0007

A. No doubt concentration camps were means of threats to keep order.

Q. And to keep people at work?

A. I wouldn't like to say so in that form. I should like to say that foreign workers in our country worked voluntarily once they had come to Germany.

Q. Well, we will take that up later. You used the concentration camp labor in production to the extent that you were required to divide the proceeds of the labor with Himmler, did you not?

A. That I am afraid I did not understand.

Q. Well, you made an agreement finally with Himmler that he should have five percent, or roughly five percent, of the production of the concentration camp labor while you would get for your work 95 per cent?

A. No, that is not quite true.

Q. Well, tell me how it was. That is what the documents indicate, if I read them a-right.

A. Yes, that is contained in that manner in the Fuehrer record, but I should like to explain it to you. Himmler, as I explained yesterday, wanted to open factories and build them in his concentration camps. Then he would have had production under his control, which Hitler, of course, knew. This five percent of arms which were to be handed to Himmler was in a certain sense compensation for the fact that he had to forego -- that he did forego the construction of the factories in the camps. As far as I was concerned, it was not psychologically easy that Himmler, who continually suggested to Hitler that these factories should be constructed in the camps, should be deterred from his idea. I was hoping that the five percent of arms or weapons would satisfy him in fact. Actually, these five per cent were never handed over. We worked with the Chief of the Army Staff and the OKW, General Buhle, who was handling it in such a way that he did not receive the arms at all.

Q. Well, I am not criticizing the bargain, you understand. I don't doubt you did very well to get 95 per cent, but the point is that Himmler was using, with your knowledge, concentration camp lanor to manufacture arms, or

H0162 - 0008

was proposing to do so, and you wanted to keep that production within your control?

A. Would it be possible to turn the translation up in volume a little, because I can not understand it very easily? And could I possibly have it repeated?

Q. You knew at this time that Himmler was using concentration camp labor to carry om independent industry and that he proposed to go into the armament industry in order to have a source of supply of arms for his own SS?

A. Yes.

Q. And you also knew the policy of the Nazi Party and the policy of the government towards the Jews, did you not?

A. I knew that the National Socialist Party was anti-Semitic, and I knew that the Jews were being evacuated from Germany.

Q. In fact, you participated in that evacuation, did you not?

A. No.

Q. Well, I gather that impression from Document L-156, Exhibit RF-52 -- a letter from the Plenipotentiary for Manpower, which is dated 26 March 1943, which you have no doubt seen. You may see it again, if you wish. In it he says --

A. I know it.

Q. "At the end of February, Reich Leader SS, in agreement with myself and the Reich Minister for Armaments and Munitions, for reasons concerning the security of the State, removed from their places or work all Jews who were still sorking freely and not in camps and either transferred them to a labor corps or collected them for removal."

Is that a correct representation of your activity?

A. No.

H0162-0009

A No.

Q Will you tell me what part you had in that? There is no question that they were removed and put into labor corps or collected for removal, is there?

A That is correct.

Q Now you say you did not do it, so will youtell me who did?

A This is a fairly lengthy procedure.

When, in February of 1942, I came into my office, the demand from the Party that Jews still working in armament firms should be removed from those armament firms was already well in existence. In those days I objected, and I achieved it so that Bormann issued a circular letter to the effect that those Jews should continue to work in armament firms and that Party departments were prohibited from making political accusations against the heads of those firms because of those Jews working there. Those political accusations were usually made to the work leaders by the Gauleiters. That happened mostly in the Gau of Saxony and in the Gau of Berlin. Consequently the Jews could, therefore, remain in these businesses.

Without my having authority to do so, this circular letter from the Party was published by me in my information pamphlet, which went to all the leaders of all the firms in question, so that I would get the complaints from the work leaders in case the Party should not obey that instruction.

After that there was quiet with reference to that problem, until September or October of 1942. At that time there was a conference with Hitler, during which Sauckel also was present. During that conference Hitler demanded very emphatically that now the Jews would have to come out of these armament firms, and he ordered that this should be done, something which becomes clear from a Fuehrer protocol which is still available.

In spite of this, it was possible once more to still maintain the Jews in these firms, and only in March of 1943, as this letter shows, did the resistance against that action collapse and the Jews finally did have to come out.

I have to point out to you that as far as I can stillremember -- we are not here concerned with the total problem of the Jews. However, during the years of 1941 and 1942, Jews joined the armament factories to do

H0162 - 0010

essential war work there, which essential war occupation, in turn, would enable them to escape the evacuation which was already in full swing at that moment. They were mostly occupied in the electrical industry, and Geheimrat Buecher of AAG, and Siemens, no doubt helped the matter along a little bit so as to receive the Jews to a considerable extent. The Jews were still completely free and their families were still in their original apartments and houses.

The letter which you have before you, of course, was not put before me by Gauleiter Sauckel; and Sauckel says that he himself had not seen it. It is not doubt quite true, however, that before this action I had knowledge of the facts because the question had to be discussed as to how one should get replacements. But it is equally certain that I protested against it at that time also, that I protested having the experts removed from my armament industries because, apart from the various other reasons, this would mean a burden for me.

Q That is exactly the point that I want to emphasize. As I understand it, you were struggling to get manpower enough to produce the armaments to win a war for Germany.

A Yes.

Q And this anti-Semitic campaign was so strong thatit took trained technicians away from you and disabled you from performing your functions. Isn't that the fact?

A I am afraid I didn't understand the sense, or the meaning of your question.

Q Your problem of creating armaments to win the war forGermany was made very much more difficult by this anti-Jewish campaign whichwas being waged by others of your co-defendants.

A That is a certainty; and it is equally clear that if the Jews who were evacuated had been allowed to work under me, that would have been a considerable advantage to me.

THE PRESIDENT: Mr. Justice Jackson, has it been proved who signed that document L-156? It apparently has asignature on it.

H0162 - 0011

MR. JUSTICE JACKSON: There is a signature on it, I believe; the Plenipotentiary General for Manpower is my thought on it. We willlook at that.

THE PRESIDENT: Perhaps the defendant could tell what the signature is.

(A document was submitted to the witness.)

THE WITNESS: This man is unknown to me; I don't know who he is. It must be a subordinate of an official of thePlenipotentiary for Manpower, because I knew all the immediate associates of Sauckel personally.

I beg your pardon. The document comes from the Government President of Koblenz. It is an associate in the Government District of Koblenz, who therefore is, of course, unknown to me.

H0162-0012

BY MR. JUSTICE JACKSON:

Q In any event, there is no question about the statement as you have explained it?

A That is right.

Q Now I want to ask you about the recruiting of forced labor. As I understand it, you knew about the deportation of 100,000 Jews from Hungary for subterranean airplane factories, and you told us in your interrogation of October 18, 1945, that you made no objection to it. That is true, is it not?

A That is true, yes.

Q And you told us also, quite candidly, on that day, that it was no secret to you that a good deal of the manpower brought in by Sauckel was brought in by illegal methods. That is also true, is it not?

A I was taking great care at the time to notice what expression was used by the interrogating officer, and the expression he used was that they came against their wish; and that I affirmed.

Q Did you not say that it was no secret to you that they were brought in in an illegal manner? Didn't you add that yourself?

A No, no. That was certainly not so.

Q Well, in any event, you knew that at the Fuehrer conference in August of 1942 the Fuehrer had approved of all coercive measures of obtaining labor if they couldn't be obtained on a voluntary basis, and you knew that that program was carried out.

A Yes.

Q You, as a matter of fact, did not give any particular attention to the legal side of this thing, did you? You were after manpower; isn't that the fact?

A That is absolutely correct.

Q And whether it was legal or illegal was not your worry?

A I believe that, considering the war situation and considering the views which we had, that was justified.

Q Yes, it was in accordance with the policy of the government, and that was as far as you inquired at the time, was it not?

H0162 - 0013

A Yes. I am of the opinion that the moment I began in my office, in February of 1942, all the perpetrations or violations of international law of which I can be accused today were realized on that very day.

Q And you don't question that you share a certain responsibility for that program--whether it is a legal responsibility or not, in fact--for bringing in this labor against its will? You don't deny that, do you?

A The workers were brought to Germany largely against their will, and I had no objection against their being brought to Germany against their will. On the contrary, during the first period, until autumn of 1942, I certainly used my energy that as many workers as possible should be brought to Germany in this manner.

Q You had some participation in the distribution of this labor, did you not, as among different plants or different industries that were competing for labor?

A No. That would have to be explained in detail -- I don't quite understand.

Q Well, you finally entered into an agreement with Sauckel, did you not, in reference to the distribution of labor after it reached the Reich?

A That was arranged according to the degree of urgency. I had to tell Sauckel, of course, in which one of my programs they were needed most. But that sort of thing was dealt with by general instructions.

Q In other words, you established the priorities of different industries in their claim for the labor when it came into the Reich.

A That was a matter of course; naturally, that had to be done.

Q Now, as to the employment of prisoners of war, whatever disagreement there may be about the exact figures, there is no question, is there, that prisoners of war were used in the manufacture of armament?

H0162 - 0014

A No, only Russian prisoners of war and Italian military internees were used for the production of arms. Regarding the use of French and other prisoners of war, I have had several conferences with Keitel about their being used in the armament industry, and I must tell you that Keitel always adopted the view that these prisoners of war could not be used in violation of the Geneva Convention. I can claim that on the strength of his statement I no longer used my influence to bring it about so that these prisoners of war should nevertheless be used, against the Geneva Convention, in armament industries.

The conception, of course, of the phrase "armament production" is very much open to argument. It is important which position you recognize, whether you limit the conception of armament very much or not at all.

H0162-0015

Q You succeeded to Dr. Todt's organization, and you had all the powers that he had, did you not?

A Yes.

Q One of his directives was dated October 31, 1941, a letter from the OKW, which is in evidence here as Exhibit 214, Document EC 294, which provides that the deputies of the Reich minister for arms and ammunition are to be admitted to prisoners of war camps for the purpose of selecting skilled workers. That was among your powers, was it not?

A No. That was a special action which Dr. Frank had initiated on the strength of an agreement with the OKW, which was not carried out later, however.

Q Now, on the 22nd of April, 1943, at the 36th meeting of this Planning Board, you made this complaint, did you not, Mr. Speer? "There is a statement showing in what sectors the Russian PW's have been distributed, and this statement is quite interesting It shows that the armament industry received only 30%. I always complained about that."

That is correct, is it not?

A I believe that has been wrongly translated. It should not say "ammunitions industry"; it should say, "The armament industry received 30%".

Q I said "armament".

A Oh, no. But then, this still is not a proof that these prisoners of war were employed in violation of the Geneva Convention because in the sector of the armament industry there was ample room to use these workers for producing articles which did not come under the Geneva Prisoner of War Agreement, and accordingly were armament products.

In spite of that, I believe that in the case of the Russian prisoners of war, there was not the same value attached to the Geneva Convention as there was in the case of prisoners of other countries.

Q Is it your contention that the prisoners were not used --

H0162-0016

I now speak of French prisoners of war -- that French prisoners of war were not used in the manufacture of materials which directly contributed to the war, or is it your contention that although they were used it was legal under the Geneva Convention?

A As far as is known to me, French prisoners of war were not used contrary to the rules of the Convention. I cannot check that, because control with reference to employment did not come within my jurisdiction. During numerous inspection of work, I never noticed that any prisoners of war from the Western Powers were working directly on armament products.

Q Just tell exactly what French prisoners of war did do by way of manufacture. What were they working on?

A That I cannot answer. I already explained yesterday that the allotment of prisoners of war or foreign workers, or German workers for that matter, to the individual firms was not a matter for me to decide. But the allotment was carried by the local labor office in collaboration with the prisoner of war camps, as far as we were concerned, with prisoners of war. I received only a survey of the number of workers who had gone into the firm in toto, and I therefore could not obtain a survey of the individual types of workers which were being employed in the various firm Therefore, I cannot give you a sufficient answer to your question.

Q Let us take the 50,000 skilled workers that you said yesterday you removed and put to work in a different location, that Sauckel complained about. What did you put them to work at?

A These were not prisoners of war, you know

Q Let us take up those workers. What were you doing with them?

A These workers were working on the Atlantic Wall. From there they were transferred to the Ruhr where they worked on the two dams which had been destroyed by air attacks, and which they repaired. That is not being said in this connection. Yet the transfer of these 50,000 workers took place first of all without my knowledge, and the results of the transfer of these 50,000 workers from the West of Germany were catastrophic for us who were wor

H0162-0017

king on the Atlantic Wall, because as a consequence of it, more than a third of all the workers left their work on the Atlantic Wall, because they, too, were afraid that they might be taken to Germany. That is why we rescinded the entire order as quickly as we possibly could, so that the confidence of the French workers who were working on the Atlantic Wall had in us could be maintained

The facts will show you that the French workers who were working for the Todt Organization were not employed under coercion; otherwise, they could not have left in such numbers after realizing that under certain circumstances they, too, might be taken to Germany. The measure by which 50,000 workers of the organization started in France, therefore, was only temporary, which I corrected as soon as possible. It was a mistake, which can happen if a minister gives force to his instructions which are then carried out by law authorities with every means at their disposal.

Q Are you familiar with Document EC 60, which reports that the labor organization of the Todt had to recruit its manpower by force?

A At the moment I cannot recollect.

Q I beg your pardon?

A At this moment I cannot recollect. Could I see the document?

Q Yes, if you would like to. I just remind you that the evidence is to the contrary of your testimony on that subject.

It is Page 42, the paragraph which reads:

" Unfortunately the assignments for the Todt Organization on the basis of Article 52 of the Hague Convention on Land Warfare have for some time decreased considerably, because the larger part of the manpower allocated does not turn up. Consequently further compulsory measures must be employed. The Prefect and the French labor exchanges cooperate quite loyally, it is true, but they have not

sufficient authority to carry out these measures".

A I believe that perhaps I have not been understood correctly. I did not say that a large number of the workers working for the Organization Todt in the West had been called up and that they came to the building site because of their compulsory status. But on the spot, we had no possibility of retaining them by force, or of preventing them from leaving by force. Therefore, if they were unwilling to work, they could leave/their place of work and either join the resistance movement or go into hiding somewhere else.

Q This calling-up system was a system of compulsion, was it not ?

A That was the calling up of French workers for duty in the Reich or in France. But here again I want to add something, if I may. This report is dated June, 1943. In October, 1943, the Organization Todt, in its entirety, was declared a restricted or "blocked" firm, by which means it had the advantages which other blocked firms had, which I explained sufficiently yesterday. Because of this, the Organization Todt also had a large in-take of workers who were there voluntarily, unless, of course, you consider the same pressure which was applied to the people who went to Germany as not voluntary.

Q Were they kept in labor camps ?

A That is the custom in the case of such construction work. The sites were far away from any villages, and therefore workers' camps were established in which the German workers and the foreign workers were accomodated. But there were also some of them accomodated in villages as far as it was possible to accomodate them there. I believe that it was not at all the principle that they should be accomodated in camps, but I cannot tell you that for certain.

Q The document --

THE PRESIDENT : Has this been introduced before ?

MR. JUSTICE JACKSON : I was just going to give it to you. The document from which I have quoted is United States Exhibit 892.

BY MR. JUSTICE JACKSON :

Q Now, leaving the question of the personal participation in this --

THE PRESIDENT : Is it new, Mr. Jackson ?

MR. JUSTICE JACKSON : No, it has been in.

THE PRESIDENT : It has been in before ?

MR. JUSTICE JACKSON : I am told that I am wrong about that, and that it

H0162 - 0018

H0162-0019

is new. 892 is a new number.

BY MR. JUSTICE JACKSON :

Q Leaving the part of your personal participation in this program --

THE PRESIDENT : Could tell us what the document is and where it comes from ? I see it is EC 60 ; so it must be captured.

MR. JUSTICE JACKSON : It is one of the economic documents. It is a very large document.

THE PRESIDENT : Could you tell us what it is or who signed it ? It is a very long document, apparently, is it not ?

MR. JUSTICE JACKSON : It is a long document, and it is a report of the Oberfeldkommandant -- L-I-L-L-E is the name of the signer.

BY MR. JUSTICE JACKSON :

Q Now, come to the question --

THE PRESIDENT : Let me look at the document, will you ?

You see, Mr. Justice Jackson, my attention has been drawn to the point that as far as the record is concerned, we have only this extract which you read. We do not have the date, and we do not have the signature, if any, on the document.

MR. JUSTICE JACKSON : I was merely refreshing his recollection to get out the facts, and I was not really offering the document for its own sake. I will go into more detail about it, if your honor wishes. There is a great deal of irrelevant material in it.

THE PRESIDENT : If you do not want to offer it, then we need not bother about it.

MR. JUSTICE JACKSON : A great part of it is not relevant.

THE PRESIDENT : Yes.

MR. JUSTICE JACKSON : The quotation is adequately verified.

THE PRESIDENT : In that case, you may refer to it without the document's being used. Then we need not have the document identified as an exhibit.

BY MR. JUSTICE JACKSON :

Q Leaving the questions of your personal participation in these matters and coming to the questions dealt with in the second part of your examination, I want to ask you about your testimony concerning the proposal to denounce the Geneva Convention.

You testified yesterday that it was proposed to withdraw from the Geneva Convention. Will you tell us who made those proposals ?

H0162 - 0020

A This proposal, as I have already testified yesterday, came from Dr. Goebbels. It happened after the air attack on Dresden but Goebbels and Ley had earlier, that is, as early as April 1944, had frequent conversations to the effect that the war effort should be increased with every means so that I had the impression that Goebbels was merely making the Dresden attack the cause for a suggestion to renounce the Geneva Convention.

Q Now, was the proposal at that time to resort to poison gas warfare, was the proposal made at that time?

A I couldn't ascertain by my own direct observation that gas warfare was to be started but I knew from Ley, Goebbels, from various associates of Ley's and Goebbels that they were discussing the question of using our two gasses, Tabun and Sarin, and they desired to have it used. They believed that these two gasses would have a particular effect and they did in fact produce the most frightful results. We made these observations as early as the autumn of 1944 when the situation was deteriorating considerably and quite a number of people were very worried about it.

Q Now, will you tell us about these two gasses and their production and their effects; their qualities and the preparations that were made for gas warfare?

A That, I could not tell in detail. I am not enough of an expert. All I know is that these two gasses had the most unusual outstanding effects and that no respirator, no protection would be of any use against them as far as they go, so that the soldiers would therefore have been unable to protect themselves against this gas in any way. We had for the manufacture of this gas, we had approximately three factories all of which were undestroyed and which until November 1944, were working at full speed. When rumors regarding the possibility of the employment of gas reached us, I stopped gas production in November 1944. I stopped it by the following means. I blocked the supplies for the component parts and components of the gasses; according to evidence before the Allied authorities, the gas production was in fact stopped--came to an end by January, 1945. First of all, I tried to write to Hitler a letter, which is available and which is dated October 1944, to use legal means to obtain his permission that these

H0162 - 0021

gas factories should stop to produce. The reason I gave him was that the component products, mostly sozian, were needed urgently for other purposes because of air attacks. Hitler informed me right away that the gas production would have to continue under all circumstances but I gave the instruction that the component products should no longer be supplied.

Q Can you identify others of the group that were advocating gas warfare?

A As far as the military were concerned, they, certainly not one of them were in favor of gas warfare. All the reasonable militarists turned the gas warfare down as being utterly insane because, considering your superiority in the air, it would merely mean that the unprotected German cities would suffer the most tremendous catastrophy in no time at all.

Q The group that did advocate it, however, consisted of thepolitical group around Hitler, didn't it?

A A certain circle of the political people, certainly definitely limited. They were mostly Ley, Goebbels and Bormann, always the same three, who with every means wanted to increase the fight and a man like Fegelein certainly belonged to that same group. As far as Himmler is concerned, I wouldn't even be so certain about that because at the time Himmler had distanced himself from Hitler a little because he allowed himself the luxury of running an army group of which he knew absolutely nothing.

Q Now, one of these gasses was the gas which you proposed to useon those who were proposing to use it on others and I suppose your motive was--

A I must openly tell you that the reason for these plans was the concern that under certain circumstances there might be the employment of gas and the connection of ideas of using that actual gas, that that is quite clear, is due to that in my guess.

Q And your reasons I take it, were the same as themilitary's, that is to say, it was certain Germany would get the worst of it if Germany started that kind of warfare. That is what was worrying the military, wasn't it?

A No, not only that. At that stage of the war, it was perfectly clear that under no circumstances should there be the committing of international crimes which would then be held against the German people after the war was lost. That was the decisive reason for me.

Q Now, what about the bombs, after the war was plainly lost, aimed at England day after day; who favored that?

A You mean the rockets?

Q Yes.

A For us, as far as production was concerned, these rockets were the most expensive affair. Their effect compared to the output was negligible. We did not, therefore, find ourselves particularly interested in producing this affair to a very considerable degree. The person who was advancing this most was Himmler in this case. He gave Obergruppenfuehrer Kammler the task of supervising and carrying out the firing of the rockets against England. In army circles, they were of the same opinion thatI was, namely, that these rockets would be or were too expensive and in airforce circles, the impression was similar because at the expense of one rocket on e could build a fighter. It is quite clear that it would have been so much better for us if we hadn't permitted this nonsense.

Q Going back to the characteristics of this gas, was one of the characteristics of this gas of an exceedingly high temperature? When it was exploded it created exceedingly high temperature so that there could be no defense against it?

H0162 - 0022

H0162 - 0023

A No, that is an error. Actually, ordinary gasses evaporate during normal temperature. This gas would not evaporate until very high temperatures were reached; such very high temperatures would only arise if you added an explosion; in other words, if the explosives detonated --- that is, known as a high temperature and then the gas evaporated: the solid material becomes gas but the effects had nothing to do with the high temperature.

Q Experiments were carried out with this gas, were they not, to your knowledge?

A That, I can't tell you. Certainly experiments must have been carried out with it.

Q I am sorry but I didn't get your last answer.

A I can't tell you but I assume experiments must have been carried out with it.

Q Who was in charge of the experimentations with the gasses?

A It was the research and development department in the OKH, in the armaments defense department of the ordnance section. I can't tell you for certain there.

Q And certain experiments were also conducted and research conducted in atomic energy, were they not?

A Unfortunately, because our best experts we had in atom research had gone to America, we hadn't advanced as far as we wanted to. We suffered setbacks in atom research and actually we were about one to two years from achieving results, the results of splitting the atom.

Q The policy of driving people out who didn't agree with Germany hadn't produced very good dividends, has it?

A That, as far as we were concerned, had a very decisive disadvantage particularly in this sector.

Q Now, I have certain information which was placed in my hands, of an experiment which wascarried out near Auschwitz and I would like to ask you if you heard about it or if you knew about it. The purpose of the experiment was to find a quick and complete way of destroying people without the delay and trouble of shooting and gassing and burning, as it had been carried out, and in this experimentation, as I am advised, a small village was provisionally erected, with temporary structures and in it approximately twenty thousand Jews were put. By means of this newly invented weapon of destruction, these

H0162 - 0024

twenty thousand people were eradicated almost instantaneously, and in such a way that there was no trace left of them; as it developed, the explosive reached temperatures of from four to five hundred degrees centigrade and destroyed them without leaving any trace at all.

Do you know about that experiment?

A No, and I consider that it is utterly improbable. If we had had such a weapon under preparation then that would not have remained unknown to me, but we didn't have such a weapon. It is clear that in chemical warfare experiments, attempts were made on both sides to make research of all weapons which can possibly thought of, because one didn't know which party would start chemical warfare.

Q The reports, then, of a new and secret weapon were exaggerated for the purpose of keeping the German people in the war?

A That was the case mostly during the last phase of the war. Beginning with June or July 1944, I went to the Front very often. I visited about forty frontal divisions in their sectors and I had to find out on those occasions that the troops just as much as the Germans, the German nation, were given hooes regarding a new weapon which was due to come, that their should be a miraculous weapon which, without requiring the use of a man and soldier, would then guarantee victory. It was due to this belief that many people in Germany lost their lives, although due to reasons in their own thought they must have realized the war was finished. They believed that within the near future this new weapon would arrive. I wrote about this to Hitler and in various speeches even before Goebbels propaganda leaders, I tried to work against this conviction or belief. Both Hitler and Goebbels told me, however, that this wasn't propagands which they were making but that this was a belief which had arisen from the people. Only in the dock here in Nurnberg, was I told by Fritsche that this propaganda was made systematically through some channels, however, and brought amongst the people and that SS Standartenfuehrer Berg was responsible for it. Many things became clear to me thereupon because this man Berg, as a representative of the Ministry of Propaganda, had quite often participated during meetings, large scale meetings of my Ministry because he was wriing articles about these meetings and there he heard of our weapons of the future and he then used this knowledge and his imagination and fantasy to bring them in amongst the people.

H0162-0025

Q. When did it become apparent that the war was lost? I take it that your attitude was that you felt some responsibility for getting the German people out of it with as little destruction as possible. Is that a fair statement of your position?

A. Yes, but I had that feeling not only with reference to the German nation. I was aware of the fact that one should equally avoid that destruction should take place in the occupied territories. That was as important to me as the other for a very realistic reason. I considered that all this destruction would no longer be limited to us after the war, but to the following German government, and coming German generations.

Q. Where you differed with the people who want to continue the war to the bitter end, was that you wanted to see Germany have a chance to restore her life. Is that not a fact? Whereas, Hitler took the position that if he couldn't survive, he didn't care whether Germany survived or not?

A. That is true, and I would never have had the courage to make this statement before this Tribunal if I hadn't been able to prove it by the means of my documents, because such a statement is so incredible. The letter, however, which I wrote to Hitler on the 29th of March and in which I confirmed this, shows that he said so himself.

Q. Well, if I may comment, it was not a new idea to us that that was his viewpoint. I think it was expressed in most of the other countries that that was his view point.

Now were you present with Hitler at the time he received the telegram from Goering, suggesting that Goering take over power?

A. On the 23rd of April I flew to Berlin in order to take leave of several of my associates, and, as I want to tell you quite openly, also in order to place myself at Hitler's disposal after everything that had happened. Perhaps this will sound peculiar to you, but the conflicting feelings which I had with reference to what I was trying to do against him, and all the actions which he had committed, still didn't give me a clear basis

H0162 - 0026

inside me for my relationship to him, so I flew to see him. I didn't know whether he would order me to remain in Berlin. It was my impression, however, that it would be my duty not to run away like a coward, but once again to appear on the scene. It was on that day that Goering's telegram arrived, Goering's telegram to Hitler -- the telegram to Ribbentrop, I mean, arrived, and Bormann submitted the telegram to him.

Q. Submitted it to Hitler?

A. Yes, to Hitler.

Q. What did Hitler say upon that occasion?

A. Hitler was most excited about the contents of the telegram, and he expressed himself in a very clear manner about Goering. He said that he knew for some time that Goering had failed, that he was corrupt, that he was a drug addict. I was very shaken by this, because it occurred to me that if the head of the State had had such knowledge for some considerable time, then it was irresponsible on the part of the head of the State that he had left this man in office, this man on whom depended the lives of huge numbers of people. It was typical of Hitler's attitude towards the entire problem, however, that he followed his statement up by saying: "But he can, nevertheless, negotiate the capitulation".

Q. Did he s ay why he was willing to let Goering negotiate the capitulation?

A. No. He stated in an off-hand manner: "It diesn't matter anyway who does it". His disregard for the German nation was expressed in the way he said this.

Q. That is, his attitude was that there was nothing left worth saving so let Goering work it out. Is that a fair statement of his position ?

A. That was my impression, yes.

Q. Now, this policy of driving German to destruction after the war was lost had come to weigh on you to such a point that you were a party to several plots, were you not, in an attempt to remove the people who were responsible for the destruction,

H0162 - 0027

as you saw it, of your country?

A. Yes. But I want to add --

Q. There were more plots that you have told us about, weren't there?

A. During that time it was awfully easy to start a plot, because you could talk to practically anybody in the street and tell him what the situation was, and then he would say, that is insanity, and if he had any courage he placed himself at your disposal. Unfortunately, I didn't have an organization at my disposal which I might have commanded and with the help of which I could have done anything. That is why I had to depend on my personal conversations by which I remained in contact with various people. But I do want to say that it wasn't as dangerous as it looks here because, actually, the few unreasonable ones who remained were perhaps a few dozen. The other eighty million were perfectly reasonable when they knew what this was all about.

Q. Perhaps you had a sense of responsibility for having put the eighty million completely in the hands of the Fuehrer principle. Did that occur to you, or does it now as you look back on it?

A. May I have the question repeated, because I didn't understand its sense.

Q. You have eighty million sane and sensible people facing destruction; you have a dozen people driving them on to destruction and they are unable to stop it. I ask you if you have a feeling of responsibility for having established the Fuehrer principle, which Goering has so well described for us, in Germany?

A. I, personally, by becoming minister in February '42, have placed myself at the disposal of this Fuehrer principle,

this leader principle. But in my organization I recognized that this principle of leadership was full of tremendous mistakesand therefore I tried to weaken its effect. The tremendous danger, however, contained in this totalitarian system, only became abundantly clear at the moment when we were approaching the end It was then that one could see what the meaning of the principle was, namely, that every order should be carried out without any criticism. Everything that has happened during this trial, everything you have seen in the way of orders which were carried out without any consideration, did after all turn out to be mistakes; and there was the final result of the order to destroy bridges and carry out the destruction, all the outcome of that totalitarian system. This system -- let me put it like this -- to the end of the system it has become clea what tremendous dangers are contained in any such system, as such, quite apart from Hitlers ' principle. The combination of Hitler and this system, then, broug about this tremendous catastrophe to this world.

Q Well, now Hitler is dead,--I assume you accept that?-- and we ought to give the devil his due. Isn't it a fact that in the circle around Hitler there was almost no one who would stand up and tell him that the war was lost except yourself?

A That is correct with certain limitations. Amongst the military leaders there were many who, with reference to their own sphere, explained to Hitler very clearly what the situation was. Many Army group commanders, for instance, made it clear to him how castrophic developments were, and about that there were often serious arguments concerning the situation. Men like Guderian and Jodl, for instance, talked about their own sector very clearly quite often in my presence, and Hitler had to know from what they told him what the entire situation was. I have not been able to ascertain, however, that those who are actually responsible were around Hitler to tell him the war was lost; nor did I experience that these responsible people attempted to establish communications among themselves to come to some joint step against Hitler. With a few exceptions, I didn't attempt that on my part either because it would have been useless. Hitler, during that phase, had frightened all these close associates to such an extent that they were without any will of their own.

Q Well, let us take the number two man who has told us that he was in favor of fighting to the very end. Were you present at a conversation between Goering

H0162-0028

H0162 - 0029

and General Gallant in which Goering, in substance, forbade Gallant to report the disaster that was overtaking Germany?

A No; in that form, that isn't correct. That was another conference.

Q Well, tell us what there is about General Gallant's conversation with Goering as far as you know it.

A This was at the Fuehrer headquarters in East Prussia outside Goering's train. Gallant had reported to Hitler that the enemy fighter planes had accompanied bombing squadrons as far as Luettich and that it was to be expected, therefore, that the bombing units would, in future, appear much farther from their bases, still accompanied bu fighters. After the discussion on the military situation Goering got hold of Gallant before Hitler and, first of all, in an excited manner, told him that this couldn't possibly be true, that this couldn't be the facts, that they couldn't go as far as Luettich, these fighters. He said, in this connection, based on his experience as an old fighter pilot, that he knew that that was certainly so. Thereupon, Gallant replied that, after all, the aircraft, the fighters had been shot down and they were lying on the ground, burning, and Goering wouldn't believe that was true. Gallant was a very outspoken man who told Goering his opinion most clearly and he wouldn't allow Goering's excitement to influence him. Finally, Goering, as Supreme Commander of the Air Force, prohibited Gallant expressly from making any further reports about this matter. It was impossible, he said, that enemy fighters could tenetrate so deeply into Germany, and he was giving the order, therefore, that that was the opinion which he would have to accept as being correct. I continued to discuss tha matter afterwards with Gallant and, as a matter of fact, Gallant, as the General of the Fighter Command, was relieved of his duty by Goering. At this point, Gallant had been in charge of all fighter units in Germany. He was in Supreme command of the Air Force.

THE PRESIDENT: What is the date of that?

JUSTICE JACKSON: I was going to ask.

THE WITNESS: It must have been towards the end of 1943.

THE PRESIDENT : Justice Jackson, perhaps we had better adjourn now.

(A recess was taken until 1400 hours.

Q. If it please the Tribunal, I wanted to ask the witness whether it was known in the days when you were struggling for manpower enough to make armaments for Germany, that Goering was using manpower to collect art and transport art for his own purposes. Was that know to you at the time?

A. He needed very few workers for that purpose.

Q. Well, very few were very valuable, were they not?

A. The art objects were valuable, not the workers.

Q. To him?

A. Yes.

Q. Let me ask you about your efforts in producing, and see how much difficulty you were having. Krupp was a big factor in the German armament production, was it not?

A. Yes.

Q. The biggest single unit, wouldn't you say?

A. Yes, but as I said yesterday, he produced few guns and armaments that were big with respect to concerns within armament industries.

Q. But you had pushed, as far as possible, the use of resources and manpower for the production of things that were not useful for the war, is that true?

A. That is true.

Q. And the things which were being built in Krupps were guns not other objects? They were things which were essential to carrying on the economy or conduct of the war? That's true, isn't it?

A. One cannot generalize the last analysis. Every object which is produced at home here, whether it si shoes for the worker, or clothing or coal, is of course products needed to wage war. That has nothing to do with the obsolete term from the Geneva Convention.

Q. Well, at the moment I am not concerned with the question of the application of the Geneva Convention. I want to ask you some questions about your efforts to produce, whether they were armament or not armament, and conditions which your regime was imposing upon labor and adding, as I think,

H0162 - 0030

H0162 - 0031

to your problems of production. I think you can give us some information about this. You were frequently at the Krupp plants, were you not?

A. I was at the Krupp plant 5 or 6 times.

Q. You had rather close information as to the progress of production in the Krupp plant as well as others?

A. Yes, this was mostly after air raids, when I went to survey the damages, and then I got an idea of the production.

Q. Krupp also had several labor camps, did they not?

H0162 - 0032

A Of course Krupp had labor camps.

Q Krupp was a very larger user of both foreign labor and prisoners of war.

A I cannot give the percentage, but doubtless Krupp did employ foreign workers and prisoners of war.

Q Well, I may say to you that we have investigated the Krupp labor camps, and from Krupp's own charts it appears that in 1943 they had 39,245 foreign workers and 11,234 prisoners of war, and that this steadily increased until in September 1944 Krupp had 54,990 foreign workers and 18,902 prisoners of war.

Now, would that be somewhere near what you would expect from your knowledge of the industry?

A I don't know the details. I don't know the figures of how many workers Krupp employed, the total, but I believe that the percentage of foreign workers at Krupp was about the same as in other armament concerns.

Q And what would you say that percentage was?

A That varied a great deal. The older industries had a lower percentage of foreign workers than the new industries which had grown up and which did not have any old group of employees. The reason for this was that the young age groups were drafted into the Wehrmacht and therefore the concerns who had older workers kept a greater percentage of the older workers. Therefore, the percentage of foreign workers in the armament industry as an old industry was lower than the percentage of foreign workers in the air armament industry because that was a completely new industry which did not have old workers.

However, I am unable to give you the percentage.

Q Now, the foreign workers who were assigned to Krupp -- let us use Krupp as an example -- were housed in labor camps and under guard, were they not?

A I do not believe that they were under guard, but I cannot say. I don't want to avoid giving information here, but I couldn't worry about those things on my visits. What I was concerned about when I went to a factory was in an entirely different field. In all my activities as Armament Minister I

H0162 - 0033

never once visited a labor camp, and can't, therefore, give any information about them.

Q Well now, I am going to give you some information about the labor camp at Krupp's, and then I am going to ask you some questions about it. I am not attempting to say that you were personally responsible for these conditions. I merely give you the indications as to what the regime was doing and I am going to ask you certain questions as to the effect of this sort of thing on your work of production.

Are you familiar with Document D-288, which is United States Exhibit 202, the affidavit of Dr. Jaeger who was later brought here as a witness?

A Yes, but I considered that somewhat exaggerated.

Q You don't accept that?

A No.

Q You have no personal knowledge of the condition. What is the basis of your information that Dr. Jaeger's statement is exaggerated?

A If such conditions had existed, I would probably have heard of them. Of course, in visits to concerns, the head of the concern came to me with his most important problems. These important problems were primarily after air raids when, for example, the German workers and foreign workers had no proper shelter any more, and this matter was described to me.

For that reason, I know that what is stated in the Jaeger affidavit cannot have been a permanent condition. That could only have been a condition caused perhaps by air raids, a temporary condition, for a week or two, which was improved later. It is clear that after a sever air raid in a city, all the hygienic installations, the water supply, gas supply, electricity, and so forth, were severely damaged so that temporarily there were very difficult conditions.

Q I remind you that Dr. Jaeger's affidavit relatesto the time of October 1942, and that he was a witness here. Of course, you are familiar with his testimony.

A Yes.

Q Well now, I call your attention to a new document which is D-361, and would become United States of America Exhibit 893. It is a document signed

H0162 - 0034

by the office chief of the Locomotive Construction Works, describing conditions of his labor supply, foreign labor.

I repeat I am not suggesting that this was your responsibility. I am suggesting it is the responsibility of the regime. I should like to read this despite its considerable length. This is dated at the Boiler Making Shop, the 25th of February 1942, addressed to Hupe by way of Winters and Schmidt.

"I received the enclosed letter of the 18th of this month from the German Labor Front, sent to my private address, inviting me to the Office of the German Labor Front" -- giving its address and the date. "I tried to complete the business which I did not know about by telephone. The answer from the German Labor Front was that the matter was very important and demanded my personal appearance. Thereupon I asked Mr. Jungerich of the Department for Social Labor Matters whether I had to go. He answered, 'You probably don't have to, but it would be better if you went'. About 9:50 I went round to Room 20 at this place and met Herr Prior.

"The following event provided the cause for this conversation, which Herr Prior carried on in a very lively manner, and which lasted about half an hour:

"On the 16th, 23 Russian prisoners of war were assigned to No. 23 Boiler Shop. The people came in the morning without bread and tools. During both breaks the prisoners of war crept up to the German workers and begged for bread, pitifully pointing out their hunger. At the first midday, the works had the opportunity of distributing the food which remained over from the French PW's amongst the Russians. In order to alleviate these conditions, I went to the Weidkamp kitchen on the 17th, on instructions from Herr Theile, and talked to the head of the kitchen, Fraulein Block, about the provision of the midday meal. Fraulein Block promised me the food immediately and also lent me the 22 sets of eating utensils which I asked for.

"At the same time I asked Fraulein Block to give any food left over by the 800 Dutchmen messing there to our Russian PW's at midday until further notice. Fraulein Block promised to do this too, and the following midday she sent down a container of milk soup as an extra. The following midday the ration was short in quantity. Since a few Russians had collapsed already, I telephoned Fraulein Block and asked for an increase in the food as the

H0162 - 0035

special ration had ceased from the second day onwards. As my telephone conversation was unsuccessful, I again visited Fraulein Block personally. Fraulein Block refused in a very abrupt manner to give any further special ration.

"Now, regarding the discussion in detail. Herr Prior, two other gentlemen of the DAF and Fraulein Block, head of the Weidkamp Kitchen, were present in the room. Herr Prior commenced and accused me, gesticulating in a very insulting manner, saying that I had taken the part of the Bolsheviks in too apparent a way. He referred to the law paragraphs of the Reich Government which spoke against it. I was unfortunately not clear about the legal position, otherwise I would have left the conference room immediately. I then tried to make it clear to Herr Prior, with special emphasis, that the Russian .W's were assigned to us as workers and not as Bolsheviks; the people were starved and were not in a position to perform the heavy work with us in boiler making which they were supposed to do; sick people are a liability to us and not a help to production. To this remark Herr Prior stated that if one was worth nothing, then another was, that the Bolsheviks were soulless people, and if 100,000 of them died, another 100,000 would replace them. On my remarking that with such a coming and going we would not attain our goal, namely the delivery of locomotives to the Reich railways which were continually cutting down the time limit, Herr Prior said, 'Deliveries are only of secondary importance here.'

"My attempts to get Herr Prior to understand our economic needs were not successful. In closing, I can only say that as a German I know our relations to the Russian prisoners of war exactly, and in the a/m case I dealt only on behalf of my superiors and in the sense of the increase in production which is demanded from us."

It is signed, "Soehling, Office Chief, Locomotive Construction Works."

H0162 - 0036

And there is added this letter as a part of the communication, signed by Theile:

" I have the following to add to the above letter: After the Russian P.W.'s had been assigned to us on the 16th of this month by Labour Supply, I got into touch with Dr. Lehmann immediately about their food. I learned from him that the prisoners received 300 gr. of bread each between 4 a.m. and 5 a.m. I pointed out that it was impossible to last until 1800 hours on this ration of bread, whereupon Dr. Lehmann said that the Russians must not be allowed to get used to the Western European feeding. I replied that the P.W.'s could not do the work required of them inthe Boiler Construction Shop on that food and that it was not practical for us to have these people in the works any longer under such conditions. At the same time I demanded that if the Russians continued to be employed, they should be given a hot midday meal and that if possible the bread ration should be split so that one half was distributed early in the morning and the second half during our breakfast break. My suggestion has already been carried out by us with the French P.W.'s and has proved to be very practical and good.

"Unfortunately, however, Dr. Lehmann took no notice of my suggestion and on this account I naturally had to take matters into my own hands and therefore told Herr Sohling to get the feeding of the Russian P.W.'s organized on exactly the same lines asFrench P.W.'s so that the Russians could as soon as possible carry out the work they were supposed to do. For the whole thing concerns an increase in production such as is demanded from us by the Minister of Munitions and Armaments and by the D.A.F."

Now, I ask you, in the firstplace, if the position of the Chief of the locomotive construction works was not entirely a necessary position in the interests of production?

A It is clear that a worker who does not have enough food can not achieve good production. I said yesterday that every head of a concern and I, as theleader, were interested in having well-fed and satisfied workers, because badly fed, dissatisfied workers make more mistakes.

H0162-0037

I should like to comment on this document. The document is dated 25 February 1942. At that time there were official instructions that the Russian prisoners of war and the Russian foreign workers who came to the Reich were treated worse than the Western workers. I learned of this through complaints from the heads of concerns. In my document book, from the middle of March 1942--three or four weeks after this document--thereis a Fuehrer protocol in which I called Hitler's attention to the fact that the feeding of Russian workers was absolutely inadequate and that they would have to be given an adequate diet and that, moreover, the Russian workers were being kept behind barbed wire like prisoners of war and that that would have to be stopped also. The protocol shows thatin both cases that I succeeded with Hitler in having conditions improved, and they were changed.

I must say further that it was a real service on the part of Sauckel that he fought against thelack of understanding and did everything so that the foregin workers and prisoners of war would be treated better and receive decent food.

Q Well, we will go on a little further with the conditions later. I am going to ask you, if you are not responsible and Sauckel is not responsible, who is responsible for these conditions, and you can keep in mind that is the question that we are coming up to here.

I will show you a new document, which is a statement-D-398, which would be Exhibit USA-394-A--a statement taken by the British-American team in the investigation of this work camp at Krupp's.

Well, D-321. I can use that just as well. We will use Document D-321, which becomes 894.

THE PRESIDENT: 894 was the last number you gave us.

MR. JUSTICE JACKSON: 398 was 894. 321 will be 895.

BY MR. JUSTICE JACKSON:

Q Now, this relates--this is an employee of the Reich Railways. None of these investigations, I may say, is based upon the statements of the prisoners themselves.

"I, the undersigned, Adam Schmidt, employed as Betriebswart in the Essen-West Railway Station and residing--" He states his residence--

H0162 – 0038

--"make the following statement voluntarily and on oath.

"I have been employed by the Reichs Railway since 1918 and have been at Essen West Station since 1935. In the middle of 1941 the first workers arrived fromPoland, Galicia and Polish Ukraine. They came to Essen in goodswaggons in which potatoes,

H0162 - 0039

building materials and also cattle have been transported, were brought to perform work at Krupp. The trucks were jammed full with people. My personal view was that it was inhuman to transport people in such a matter. The people were squashed closely together and they had no room for free movement. The Krupp overseers laid special value on the speed the slave workers got in and out of the train. It was enraging to every decent German who had to watch this, to see how the people were beaten and kicked and generally maltreated in a brutal manner. In the very beginning as the first transports arrived, we could see how inhumanly these people were treated. Every waggon was so overfilled that it was incredible that such a number could be jammed into one waggon. I could see with my own eyes that sick people who could scarcely walk (they were mostly people with foot trouble, injured and also people with internal trouble) were taken to work. One could see that it was sometimes difficult for them to move themselves. The same can be said for the Eastern workers and P.W.'s who came to Essen in the middle of 1942."

He then describes their clothing and then describes their food. In the interests of time, I will not attempt to read the entire thing.

Do you consider that that, too, is an exaggerated statement?

A When the workers came to Germany from the East, their clothing was doubtlessly bad, but I know from Sauckel that during the time of his activity, much was done to clothe these workers better, and in Germany many of the Russian workers were put in a considerably better condition than they had been previously in Russia. The Russian workers were quite satisfied in Germany. If they arrived here in rags, that does not mean that that was our fault. We could not use ragged workers with poor shoes in industry, so conditions were improved.

Q Well, now, I would like to call your attention to D-398.

THE PRESIDENT: Well, before you pass from that, what do you say about the conditions of the transports? The question you were asked was whether this was an exaggerated account. You have not answered that except in reference to clothing.

THE WITNESS: Mr. President, I can not give any information about this transport matter. I received no reports about it.

H0162 - 0040

BY MR. JUSTICE JACKSON:

Q Well, I will ask you about Exhibit 398, which becomes 894. I mean Document 398, which becomes Exhibit 894, a statement by Alors Hoefer, living in Essen:

"I worked with Lowenkamp in armour building shop No. 4 since April 1943. Lowenkamp was very brutal to the foreigners. He confiscated food which belonged to the P.W.'s and took it home. Every day he mishandled Eastern workers, Russian P.W.'s, French, Italian, and other foreign civilian persons. He had a steel box built which was so small that one could hardly stand in it. He locked foreigners in the box, also females, up to 48 hours without giving the people food. They were not released in order to relieve nature. It was forbidden for other people either to give any help to the persons locked in, or release them. Whilst clearing an unofficial camp, he fired on fleeing Russian civilians without hitting any of them.

H0162-0041

"One day, whilst distributing food, I saw how he hit a French civilian in the face with a ladle and made his face bleed. Further, he delivered Russian girls without bothering about the children afterwards. There was never any milk for them so the Russians had to nourish the children with sugar water. When Lowenkamp was arrested he wrote two letters and sent them to me via his wife. He tried to make out that he never hit people!

There is a good deal more of this, but I will not bother to put it into the record.

Is it your view that that is exaggerated?

A I consider this affidavit a lie. I should like to say that in the German people such a thing does not exist, and if such individual cases occurred they were punished. It is not possible to drag the German people through the dirt in this way. The heads of concerns were also decent people who worried about their work. If the head of the Krupp concern had heard about that, he would have taken steps immediately.

Q Well, what about the steel boxes? The steel boxes couldn't have been built? Or don't you believe the steel-box story?

A No, I don't believe it; I don't believe it. After the collapse in 1945 a lot of affidavits were drawn up, certainly, which do not correspond to the truth. That is not your fault. However, after a defeat, it is quite possible that people do things like this.

Q Well, I would like to have you examine document 258. I attach importance to this as establishing the SS as being the guards:

"The camp inmates were mostly Jewish women and girls from Hungary and Roumania. The camp inmates were brought to Essen at the beginning of 1944 and were put to work at Krupps. The accommodation and feeding of the camp prisoners was beneath all dignity. At first the prisoners were accommodated in simple wooden huts. These huts were burned down during an air raid and from that time on the prisoners had to sleep in a damp cellar. Their beds were made on the floor and consisted of a straw-filled sack and two blankers. In most cases it was not possible for the prisoners to wash themselves daily, as there was no water. There was no possibility of having a bath.

"I could often observe from the Krupp factory, during the lunch break, how the prisoners boiled their under-clothing in an old bucket or container

H0162 - 0042

over a wood fire, and cleaned themselves. A slit trench served as an air-raid shelter, whilst the SS guards went to the Humboldt shelter, which was bomb-proof.

"Reveille was at 5 a.m. There was no coffee or any food served in the morning. They marched off to the factory at 5.15.a.m. They marched for three quarters of an hour to the factory, poorly clothed and badly shod, some without shoes, and covered with a blanker, by rain or snow. Work began at 6.a.m The lunch break was from 12 to 12.30. Only during the break was it at all possible for the prisoners to cook something for themselves from potato peelings and other garbage.

"The daily working period was one of ten to eleven hours. Although the prisoners were completely undernourished, their work was very heavy physically. The prisoners were often maltreated at their work benches by Nazi overseers and female SS guards. At 5 or 6 in the afternoon they were marched back to the camp. The accompanying guards consisted of female SS who, in spite of protests from the civil population, often maltreated the prisoners on the way back by kicks, blows and scarcely repeatabl words. It often happened that individual women or girls had to be carried back to the camp by their comrades owing to exhaustion. At 6 or 7 p.m. these exhausted people arrived back in camp. Then the real midday meal was distributed. This consisted of cabbage soup. This was followed by the evening meal of water

H0162-0043

soup and a piece of bread which was for the following day. Occasionally the food on Sundays was better. An inspection of the camp as long as it existed was never undertaken by the firm of Krupp. On 13 March 1945, the camp prisoners were brought to Buchenwald Concentration Camp and from there some were sent to work. The camp commandant was SS Oberscharfuehrer Rick."

The rest of it doesn't matter.

That, I suppose, in your estimation, is also an exaggeration?

DR. FLAECHSNER: Mr. President.

THE PRESIDENT: May I hear the answer? I thought the defendant said something.

DR. FLAECHSNER: May I call the attention of the Court to the document itself, of which I have only a copy? It is headed "Before a Military Court, under oath", and there is simply a signature under it. It does not say that it is an affidavit or a statement in lieu of oath, or any such thing, it says only "Further inquiries must be instigated", and it is signed by Hubert Karden. That is apparently the name of the man who was making the statement.

Then, on the left, there is another signature, "Kriminalassistent on probation", police official. That is a man who might later become a candidate in the criminal service. He has signed it. Then there is another signature, "C. E. Long, Major President."

There is not a word for this document to the effect that any of these three people want to vouch for the contents of this as an affidavit. I do not believe this document can be considered an affidavit in that sense, or can be used as such.

THE PRESIDENT: Yes, Mr. Justice Jackson? Do you wish to say anything?

MR. JUSTICE JACKSON: The document speaks for itself. As I have pointed out to this witness, I am giving him the result of an investigation. I am not charging him with personal

H0162 - 0044

responsibility for these conditions. I intend to ask him some questions about responsibility for conditions in the camp.

THE PRESIDENT: Well, there is a statement at the top of the copy that I have got, "Sworn on oath before a Military Court."

MR. JUSTICE JACKSON: Yes, they were taken in Essen, in this investigation. Of course, if I were charging this particular defendant with the responsibility there might be some argument about it. They clearly come under the head of the Charter, which authorizes the receipt here of proceedings of other courts.

THE PRESIDENT: Have you got the original document?

MR. JUSTICE JACKSON: Yes.

(A document was submitted to the Tribunal.)

THE PRESIDENT: The Tribunal sees no objection to the document being used in cross-examination.

Did you give it an exhibit number?

MR. JUSTICE JACKSON: I should have; it is 896.

THE PRESIDENT: Yes.

BY MR. JUSTICE JACKSON:

Q I now want to call your attention to Exhibit No. 382.

A I wanted to comment on the document.

THE PRESIDENT: Mr. Justice Jackson, there are some photographs which have been put before us. Are they identified and do they form part of an exhibit?

MR. JUSTICE JACKSON: They form part of the exhibit which I am now offering.

THE PRESIDENT: I see.

MR. JUSTICE JACKSON: But the witness desires to comment on the last document, and I will listen to that before we go ahead.

BY MR. JUSTICE JACKSON:

Q Yes?

H0162 - 0045

A First I should like to say, because you often mentioned my non-responsibility, in case these conditions were generally true, on the basis of my judgment yesterday, I would consider myself responsible. I do not want to evade responsibility. But the conditions were not such. These are only individual cases.

As for this document, I should only like to say from what I can see from the document, it seems to be a concentration camp, one of the small concentration camps near the concerns. The concerns could not inspect these camps. That is why it is quite true where it says that the representatives of the concern never saw the camp.

The SS guards also indicate the fact that it was a concentration camp.

If the question which you asked me before, whether the labor camps for foreign workers were guarded, refers to this document, then your conclusion was false. As far as I know, the other labor camps were not guarded by SS or by any other organizations. My position is such that I feel it is my duty to protect the head concerns from an injustice which might be done them. They could not concern themselves with conditions in such a camp.

I cannot say whether conditions were as described in this camp. We have seen much material on conditions in concentration camps here during the trial.

Q Now I will ask to have you shown Exhibit No. D-382 -- I should say Document D-382 -- which would be United States Exhibit 897. That is the statement of several as to one of those steel boxes which stood in the foreign workers' camp in the grounds of Number 4 Armor Shop, and those of the Russian camp. I do not know that it is necessary to read the complete descriptions.

Is that merely an individual instance, or whatis your view of that circumstance?

A What is pictured here is quite a normal covert as it was used in every type of work. These photographs have no value as evidence.

Q Very well. I will ask to have you shown Exhibit D-230. D-230 is an inter-office record, and the steel switches which have been found in the camp will be shown to you, 80 of them, distributed, according to the reports.

H0162 - 0046

A Shall I comment on this?

Those are nothing but replacements for rubber truncheons. We had no rubber; and for that reason, the guards probably had something like this. (Indicating")

Q That is the same inference that I drew from the document.

A Yes, but the guards did not immediately use these rubber truncheons, any more than your police. They did not use these steel rods any more than your police use their rubber truncheons, but they had to have something in their hands. That is the way it is everywhere in the world.

Q Well, we won't argue that point.

A I am not an expert. I only assume that that is the case. I cannot testify on oath that that was the case. That was only an argument.

THE PRESIDENT: Mr. Justice Jackson, did you give a number to that?

MR. JUSTICE JACKSON: 899, your Honor.

BY MR. JUSTICE JACKSON:

Q Now, 899 would be our document 283, which is a 1943 report from the Krupp hospitals. The subject is: "Cases of Deaths of Eastern Workers."

"Fifty-four Eastern workers have died in the hospital in Lazarett-strasse, four of them as the result of external causes and fifty as a result of illnesses.

"The causes of death in the case of these fifty Eastern workers who died of illnesses were the following:

"Tuberculosis:	38
"Malnutrition:	2
"Internal hemorrhage:	1
"Disease of the bowels:	2
"Typhus:	1
"Pneumonia:	3
"Appendicitis:	1
"Liver trouble:	1
"Abscess of the brain:	1

"This list therefore shows that four-fifths died of tuberculosis and malnutrition."

Now, did you have any reports from time to time as to the health

H0162 - 0047

conditions of the labor which was engaged in your production program?

A First I should like to comment on the document. The document does not show that the total number of the deaths of workers was to due to that which these figures refer to, so that one cannot say whether that is an unnaturally high proportion of illness. At the session of the Central Planning Board which I read here, I observed it was said that the Russian workers had a high tuberculosis rate. I do not know whether you mean that. That was a remark which Weiger made to me. But presumably we tried through the health offices to alleviate these conditions.

Q But that was an abnormally high rate among deaths of deaths from tuberculosis; there is no doubt about that, is there?

A I do not know whether that was an abnormal death rate. But there was an abnormally high rate of tuberculosis at times.

Q The exhibit does not show whether the death rate itself was abnormally high, but it shows an abnormal proportion of deaths from tuberculosis among the total deaths, does it not? Eighty per cent of deaths from tuberculosis is a very high incidence of tuberculosis, is it not?

A That may be. I cannot say from my own knowledge.

Q Now I would like to have you shown --

THE PRESIDENT: Did you give that a number? That would be 899, would it not?

MR. JUSTICE JACKSON: That is 899, your Honor.

BY MR. JUSTICE JACKSON:

Q Now, let me ask you to be shown Document 335. That is a report from the files of Krupp dated at Essen, the 12th of June, 1944, directed to the "Gau Camp Doctor Herr Dr. Jaeger", and signed by Stinnesbeck:

"In the middle of May I took over the medical supervision of the P.W. Camp 1420 in the Noeggerathstrasse. The camp contains 644 French P.Ws.

"During the air raid on 27 April of this year the camp was largely destroyed

H0162 - 0048

and at the moment conditions are intolerable.

"315 prisoners are still accommodated in the camp. 170 of these are no longer in huts but in the tunnel in Grunertstrasse on the Essen-Neuhlheim railway line. This tunnel is damp and is not suitable for continued accommodation of human beings. The rest of theprisoners are accommodated in 10 different factories in Krupp's works.

"The first medical attention is given by a French military doctor who takes great pains with his fellow countrymen. Sick people from Krupp's factories must be brought to the sick parade, too. This parade is held in the lavatory of a burned out public house outside the camp. The sleeping accomodations of the four French medical orderlies is in what was the urinal room. There is a double tier wooden bed available for sick bay patients. In general, treatment takes place in the open. In rainy weather it has to be held in the small room. These are insufferable conditions. There are no chairs, tables, cupboard or water. The keeping of a register of sick people is impossible. Bandages and medical supplies are very scarce, although people badly hurt in the works are very often brought here for first aid and have to be bandaged here before being transported to the hospital. There are many strong complaints about food, too, which the guard personnel confirm as being justified.

"Illness and loss of manpower must be reckoned with under these circumstances.

"The construction of huts for the accommodation of the prisoners and the building of sick quarters for the proper treatment of the sick persons is urgently necessary.

"Please take the necessary steps.

"Signed. STINNESBECK".

A That is a document which shows what conditions can be after a severe air raid. The conditions were the same in these cases for Germans and foreign workers. There were no beds, no cupboards, and so forth. That was because the camp in whichthese things had been provided had burned down. That the food supply was often inadequate during this period in the Ruhr District was due to the fact that the air-borne supplies, transportation, and food transports could not be brought in to the Ruhr

H0162-0049

to the necessary extent.

These were temporary conditions which, when the air raids ceased for a time, could be improved. We made every effort when conditions became worse after September or October of 1944, or rather after November of 1944, to give food supply priority over armament needs, so as to see to it that in view of these difficulties the workers would be fed, and the armament would have to be placed in the background.

Q Then you did make it your business to get food and to see to the conditions of these workers? Do I understand that youdid it, that you took the steps?

A It is true that I did that, even if I am to be reproached for doing so. That is a general humane obligation. If one hears of such conditions, he tries to alleviate them, even if it is not his own responsibility. But the witness Riecke testified here that the whole food question was under the direction of the Food Ministry.

Q It was an essential part of production, was it not,to keep workers in proper condition to produce? That is elementary, is it not?

A No. That is wrongly formulated.

Q Well, you formulate it for me as to what the relations between the nourishment of workers and the amount of production produced is.

A I said yesterday that the responsibility for labor conditions was distributed between the Food Ministry, the health office in theReich Ministry of the Interior, the labor agencies, and so on and so forth. There was no comprehensive authority in my hands. In the Reich, in our state construction, we lacked a comprehensive agency, in the form of a Reich Chancellor, who would have directed all these departments and held joint discussions.

But I as the man responsible for production had no responsibility for these matters. However, when I learned from factory heads or from my deputies, I did everything to remove the cause for complaints.

Q The Krupp works --

THE PRESIDENT: Shall we break off now?

MR. JUSTICE JACKSON: Any time you say, sir.

(A recess was taken until 1400 hours, the same day.)

H0162 - 0050

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 21 June 1946.)

THE PRESIDENT: The Tribunal wish to hear from defendants' counsel what arrangements they have found it possible to make with reference to the apportionment of time for their speeches.

DR. NELTE: First of all, I should like to make it clear with reference to this question that the defendants' counsel with whom the Tribunal had spoken during an earlier closed session, having discussed the question of pleadings, have not made general reports to the remainder of the defendants' counsel since they had been under the impression that the Tribunal would not impose any limitation upon the defense. I personally, when I raised my objections, had no knowledge of this discussion and, as I may explain on behalf of my colleagues who have spoken to you earlier, that was the situation at the time.

In keeping with the suggestion made by the Tribunal, the defendant's counsel for the individual defendants have now discussed the resolution announced on the 14th of June 1946 and I am now submitting to the Tribunal the outcome of the discussion in connection with which I shall have to make certain limitations with reference to certain individual colleagues of mine who are partly not present and partly with reference to the estimate of time are of a different opinion.

The defendants' counsel are of the opinion that the decision regarding the shaping and length of their cases should entirely be left to the sense of duty of the individual defendants' counsel in this unusual trial, apart from the generally recognized rights and privileges of the Tribunal with regard to the steering of the procedure and the prevention of any possible misuse of the freedom of speech. Furthermore, the defendants' counsel are of the opinion that based on this principle consideration and also based on the usual practice before International Tribunals, it should be understood and approved by the Tribunal if the defense consider that they have objections to the prohylactic limitation of the freedom of

H0162 - 0051

speech since a misuse must not be taken as a foregone conclusion, this principal attitude of ours does not of course exclude the preparedness on the part of the defense, that the directive of the Tribunal and the wishes of the Tribunal should be obeyed as far as that can be carried with the proper conception of the defense of their duties. Under this consideration, the individual defendants' counsel had been asked to make their own estimates of the duration of their probable verbal case which they wish to state. The outcome of these estimates is as follows, or rather, has shown that with due respect to the first discipline on the part of the defendants' counsel and with consideration of the wishes of the High Tribunal, a total duration of approximately twenty full days must be expected.

H0162 - 0052

THE PRESIDENT: Dr. Nelte, the Tribunal asked Defense Counsel for an apportionment of the fourteen days between them.

DR. NELTE: I believe, Mr. President, that the statement which I have just made should express that it is apparently impossible that that principle can be accepted. If the Tribunal considers that the stated number of days is the indisputable period of time, then the entire defense will, of course, submit to that decision. But so far as I can see, it will be quite impossible that, under such circumstances, an agreement amongst the Defense Counsel could be brought about, and considerable danger therefore exists that the Counsel who come later with their cases will be under pressure of tion.

THE PRESIDENT: Yes, I think the Tribunal probably fully understands that you and your brethern consider that fourteen days is too short, but, as I say, what the Tribunal asked for was an apportionment of the time, and there is nothing in what you have said to indicate that you have made any apportionment at all, either of the fourteen days or of the twenty days which you propose.

DR. NELTE: The peiod of twenty days was arrived at because the individual defendants' counsel have stated the duration of their cases. It would, therefore, be perfectly possible for us to say that if the Tribunal would approve of the length of twenty days, then the expected length of the individual cases could be stated by us; but it is impossible, in practice, to do this if the total duration of time for the defense is fourteen days. You can rest assured, Mr. President, that we have all conscientiously gone into the question and that we have reflected on the manner in which the individual subjects can be divided up between the individual defendants' counsel; but the total duration of about twenty days appears to us, without wanting to quote a maximum or minimum in this connection, to be absolutely essential for apportionment. It is perfectly possible, Mr. President --

H0162 - 0053

THE PRESIDENT: Dr. Nelte, as I have indicated to you, what the Tribunal wanted to know was the apportionment, and presumably you have some apportionment which adds up to the twenty days which you say is required, and the Tribunal would like, if you have such an apportionment, that you should let them see the apportionment, or if you have no such apportionment, then they would wish to hear from each individual counsel how long he thinks he is going to take. If you have got a list, it seems to the Tribunal that you could hand it in.

DR. NELTE: This information is available and it will be handed to the Tribunal. Estimates are available, but certain of my colleagues have stated that these estimates of theirs are only applicable under the reservation that only a certain number of days were to be granted. That attitude adopted, of which I have said earlier that it is diverse in a certain respect from mine, but it was our undivided opinion that the decision of the Tribunal was only a suggestion and not a maximum which could be apportioned. I hope, Mr. President, that the words which I have just spoken are to be understood similarly, namely, that the Tribunal will still consider whether the propsed period of fourteen days could not correspondingly be extended to the time which we consider necessary.

THE PRESIDENT: What the Tribunal wants is an apportionment of the time as between the various counsel. That is what they asked for, and that is what they want; and either we would ask you to give it to us in writing now, or we would ask you, each one of you, to state how long you anticipate you will take in your speech.

DR. NELTE: I think that I am speaking on behalf of my colleagues when I say that we shall submit to the Tribunal in writing what our estimates are.

THE PRESIDENT: Dr. Nelte, the Tribunal feels that it would like to have the apportionment now. It gave notice before, yesterday I think it was, that they were wishing to hear defendants' counsel upon the question of the apportionment this afternoon at

H0162-0054

2:00 o'clock, and they would, therefore, like to have that apportionment now.

DR. NELTE: In that case, I can only ask that you should hear each individual defendant's counsel, since, naturally I can not by memory tell you how each individual has made his estimate.

THE PRESIDENT: It need not be written. It was to be written down, but if you haven't got it written down, no doubt you can't remember it. Perhaps you had better give us what you would take.

DR. NELTE: I have proposed seven hours. Colleague Horn, for Ribbentrop, just tells me six hours.

THE PRESIDENT: We will take each counsel in turn, if you please.

Yes, Dr. Stahmer.

DR. STAHMER: Seven hours.

THE PRESIDENT: Dr. Sauter.

DR. HORN: May I speak on behalf of Dr. Siemers and Dr. Kranzbuehler, and ask to allot each of them eight hours.

DR. SAUTER: For the case of Funk, six hours, and for the case of von Schirach, six hours.

DR. SERVATIUS: Servatius; for Sauckel, five hours.

THE PRESIDENT: I can't write as quickly as all that. Who was it that Dr. Horn wished to represent?

DR. HORN: Dr. Siemers and Dr. Kranzbuehler, eight hours each.

DR. KAUFMANN; for Kaltenbrunner, approximately four to five hours.

DR. MARX: Dr. Marx; for Streicher, four hours.

DR. SEIDL: Dr. Seidl; for Hoss and Frank together, eleven hours.

DR. PANNENBECKER: Dr. Pannenbecker; for Fritzsche, five hours.

According the list which I have seen, I remember that Bergold wants three hours for Bormann. Dr. Bergold isn't present, but I do remember that on the list it said three hours.

DR. DIX: Dr. Dix; for Schacht. We will need five hours.

H0162 - 0055

DR. EXNER: Dr. Exner; for Jodl, five hours.

DR. KUBUSCHOK: Dr. Kubuschok; for Papen, approximately five hours.

DR. STEINBAUER: Dr. Steinbauer; for Dr. Seyss-Inquart, five hours.

DR. FLAECHSNER: Dr. Flaechsner; for Speer, four hours.

H0162 - 0056

INTERPRETER: Perhaps, my Lord, of counsel would continue and speak loudly I could continue giving you the figures until Channel 1 is fixed.

PRESIDENT: If you would go on giving the figures, we'll continue.

DR. VON LUEDINGHAUSEN (Counsel for Von Neurath): For myself, Mr. President, I shall require approximately 8 hours. For Professor Jahrreiss, who will speak in all cases, and will treat considerably longer subjects, 4 hours, something which has been approved by the Tribunal, namely that he would treat the entire complex from the point of view of International Law.

DR. SEIDL: The Defense Counsel for the Defendant Rosenberg has stated that he would require 8 hours.

DR. FRITZ (Counsel for Fritsche): For Herr Fritsche, will you please take into consideration that the case Fritsche has not yet been presented and with that limitation, I think I should have sufficient time with approximately 4 hours.

THE PRESIDENT: Now, Dr. Nelte, the Tribunal would like to know first of all whether counsel proposes to write down and then read their speeches. Can you hear what I am saying?

DR. NELTE: Yes, I can. As far as I have been informed, all defense counsels will first of all write down their case. Whether they will actually read every work of these written statements or whether they will only present parts of it and use other parts which they have not written down, or whether they will submit them and not read them has not yet been ascertained.

THE PRESIDENT: Have they considered whether they will submit them for translation because as the Tribunal has already pointed out, it would be much more convenient for the members of the Tribunal who do not read German to have a translation before them. It would not only greatly assist the Tribunal, but the defendants themselves if they do that.

DR. NELTE: This question has not yet been decided upon. It has been discussed in our conferences, but up to now no final result has yet been achieved. We believe that the time, which is now pressing very much, may possibly make it impossible that this script should be translated into all 4 languages.

H0162 - 0057

THE PRESIDENT: The Tribunal of course understands that the speeches, if they are submitted for translation, won't be communicated to anybody until the speech is actually made. They won't be given beforehand either to the Tribunal or the Prosecution so that the speech will remain entirely secret until it is made, and the second thing is that of course, a great number of the speeches will be delayed by the counsel who precede them and therefore, there will be very considerable time during either the 14 days or a longer period if such a longer period is given, which will enable the speeches to be translated, and Defense Counsel will appreciate that if their speeches are written down they can tell exactly how long they will take to deliver them, or almost exactly. And there is one other thing I want to bring to their attention.

There are 21 Defendants, and naturally, there are a variety of subjects which are common to them all, and there ought to be an opportunity for counsel to divide up the subjects to some extent between them and not have each one dealing with subjects which have been dealt with already, any more than they should be dealt with in evidence over and over again, and I don't know whether counsel for defense has considered this. Anyway, the Tribunal hopes that they will adjust their minds to these three matters.

First of all, whether they can transmit their speeches in order to help the Tribunal; secondly, whether they will be able to ascertain the time, and thirdly, whether they cannot apportion the subjects to some extent among them so that we shan't have to listen to the same subjects over and over again.

I don't know whether the Prosecution would wish to say anything. The Tribunal has said, in the order which we made in reference to this question of limitation of time, that the Prosecution should only take three days. Perhaps it would be better to hear from the Prosecution whether that is an agreeable estimate.

SIR DAVID MAXWELL FYFE: Yes, My Lord, Prosecution do not ask for any more than 3 days. It might considerably be little less, but no more.

MR. JUSTICE JACKSON: I should like, your Honor, to call your attention to this. I hope it isn't expected that we are expected to mimeograph, or to have mimeographed, our speeches of 20 days. We simply cannot be put under

H0162 - 0058

that sort of consideration. A citizen of the United States in the highest court of the land is expected to argue his case in one hour, and we have already been highly criticized for the length of time that we have taken. This is not a sensible amount of time to give to this case, and I must protest against being expected to mimeograph 20 days of speeches. It really isn't possible.

THE PRESIDENT: The Tribunal would like to know whether the Prosecution intend to let us have copies of their speeches at the time that they are delivered?

SIR DAVID MAXWELL FYFE: As far as the speeches of the Attorney General are concerned, we certainly did expect to give the Tribunal copies of the speech.

THE PRESIDENT: And translations?

SIR DAVID MAXWELL FYFE: Yes, that would be done. I just wanted to point out, I think it was Dr. Nelte who said that it would take a long time to translate these speeches. As far as that goes, we had the problem of translating 76 days of speeches and that was done in 1 day by our own translators. Perhaps Dr. Nelte was a little pessimistic about that part of the problem.

THE PRESIDENT: The Tribunal will consider the matter.

Now, the Tribunal will go on with the cross examination.

ALBERT SPEER -- Continued.

Cross Examination -- Resumed

MR. JUSTICE JACKSON: I think perhaps, Your Honor, the photographs which were submitted in evidence are not quite clear if the record does not show the description of them. I shall read it briefly. It is a description of torture cabinets which were used in the foreign workers camp in the grounds of No. 4 Armour Shop, and those of the dirty neglected Russian Camp, were shown to us and we depose the following on oath:

"Photograph 'A' shows an iron cupboard which was specially manufactured by the firm of Krupp to torture Russian civilian workers to an extent that

H0162 - 0059

cannot be possibly described by words. Men and women were often locked into a compartment of the cupboard, in which hardly any man could stand up, for long periods. The measurements of this compartment are height 1.52 meters, breadth and depth 40 to 50 centimeters each. Frequently even two people were kicked and pressed into one compartment.

"Photograph "B" shows the same cupboard as it looks when it is locked.

"Photograph "C' shows the cupboard open.

"On photograph 'D' we see the camp that was selected by the Krupp Directorate to serve as living quarters for the Russian civilian workers. The individual rooms were 2 to 2.5 meters wide, 5 meters long, and 2 meters high. In each room up to 16 persons were accommodated in double tier beds".

I think that covers it.

H0162 - 0060

THE PRESIDENT: Mr. Justice Jackson, one moment. I think you ought to read the last three lines of the second paragraph, beginning, "At the top of the cupboard."

MR. JUSTICE JACKSON: "At the top of the cupboard, there are a few sievelike air holes, through which cold water was poured on the unfortunate victims during the ice-cold winter."

THE PRESIDENT: I think you should read the last three lines of the penultimate paragraph in view of what the defendant said about the evidence.

MR. JUSTICE JACKSON: "We are enclosing two letters which Camp Commandant Lowenkamp had smuggled out of prison in order to induce the undersigned Hoffer to give evidence favorable for him."

And perhaps I should read the last:

"The undersigned, Dahm, personally saw how three Russian civilian workers were locked into the cupboard, two in one compartment, after they had first been beaten on New Year's night 1945. Two of the Russians had to stay the whole of New Years' night locked into the cupboard, and cold water waspoured over them as well."

I must say to the Tribunal that we have upwards of a hundred different statements and depositions relating to the investigation of this camp. I am not suggesting offering them, because I think they would be cumulative, and I shall be satisfied with one more, D-313, which would become Exhibit 901, which is a statement by a doctor.

THE PRESIDENT: Mr. Justice Jackson, was this camp that you are referring to a concentration camp?

MR. JUSTICE JACKSON: Well, it was, as I understand it, a prisoner of war camp and a labor camp. There were labor camps and prisoner ofwar camps at Essen. I had not understood that it was a concentration camp, but I admit the distinction is a little thin at times.

The document reads:

"I, the undersigned, Dr APOLINARY GOTOWICKI, a doctor in the Polish Army, was taken prisoner by the Germans on 3 Jan 1941 and remained as such until the entry of the Americans. I gave medical attention to the Russian, Polish and French prisoners of war., who were forced to work in

various places of Krupps factories. I personally visited the Russian P.W. camp in the Raumastrasse in Essen, which contained about 1800 men. There was a big hall in the camp which could house about 200 men comfortably in which 300 to 400 men were thrown together in such a catastrophic manner that no medical treatment was possible. The floor was cement and the pailliasses on which the people slept were full of lice and bugs. Even on cold days, the room was never heated and it seemed to me as a doctor, unworthy of human beings that people should find themselves in such a position. It was impossible to keep the place clean because of the overcrowding of these men who had hardly room to move about normally. Every day, at least 10 people were brought to me whose bodies were covered with bruises on account of the continual beatings with rubber tubes, steel switches or sticks. The people were often writhing with agony and it was impossible for me to give them even a little medical aid. In spite of the fact that I protested, made complaints and was often interviewed, it was impossible for me to protect the people or see that they got a day off from work. It was difficult for me to watch how such suffering people could be dragged to do heavy work. I visited personally, and myself in danger, gentlemen of the Krupp Administration as well as gentlemen from the Krupp Directorate to try to gethelp. It was strictly forbidden as the camp was under the direction of the SS and Gestapo, and according to well known directives, I had to keep silent, otherwise I could have been sent to a concentration camp. I have brought my own bread innumerable times in order to give it to the prisoners as far as it was possible, although bread was scarce enough for me.. From the beginning in 1941 conditions did not get better but worse. The food consisted of watery soup which was dirty and sandy and often the prisoners of war had to eat cabbage which was bad and stank. I could notice people daily who on account of hungeror ill-treatment, were slowly dying. Dead people often lay for 2 or 3 days on the beds until their bodies stank so badly that fellow prisoners took them outside and buried them sumewhere. The dishes out of which they ate were also used as toilets because they were too tired or too weak from hunger to get up and go outside. At 3 o'clock, they were wakened. The same dishes were then used to wash in and later for eating out of. This matter was generally known. In spite of this it was impossible for me to

H0162-0061

H0162 - 0062

get even elementary help or facilities, in order to get rid of these epidemics, illnesses or cases of starvation. There can be no mention of medical aid, for the prisoners. I never received any medical supplies myself. In 1941, I alone had to look after these people from a medical point of view, but is is quite understandable that it was impossible for me, as the only one, to look after all these people and apart from that I had scarcely any medical supplies. I could not think what to do with a numberof 1800 people who came to me daily crying and complaining. I myself often collapsed daily and in spite of this I had to takeevcrything upon myself and watch how people perished and died. A report was never made as to how the prisoners of war died.

"I have seen with my own eyes, the prisoners coming back from Krupps and how they collapsed on the march and had to be wheeled back on barrows or carried by their comrades. It was in such a manner thatthe people came back to the camp. The work which they had to perform was very heavy and dangerous and many cases happened where people had cut their fingers, hands or legs. These accidents were very serious and the people came to me and asked me for medical help. But it wasn't even possible for me to keep them from work for a day or two, although I had been to the Krupp directorate and asked for permission to do so. At the end of 1941, two people died daily and in 1942 the deaths increased to three and four per day.

I was under Dr. MAY and I was often successful in getting him to come to the camp to see the terrible conditions and listen to the complaints, but it was not even possible forhim to get medical aid from the Medical Department of the Wehrmacht or Krupps, or to get better conditions, treatment or food. I was a witness during the conversation with some Russian women who told me personally that they were employed in Krupps factory and that they were beaten daily in the most bestial manner. The food consisted of watery soup which was dirty and unedible and its terrible smell could be noticed from a distance. The clothing was ragged and torn and on their feet they had rags and wooden shoes. Their treatment, as far as I could make out, was the same as that of the prisoners of war. Beating was theorder of the day. The conditions lasted for years, fromthe very beginning until the day the American troops entered. The people lived in great anxiety and it was

H0162 - 0063

dangerous for them to describe to anyone anywhere these conditions which reigned in their camps. The directions were such that they could have been murdered by anyone of the guards, the SS or Gestapo if they noticed it. It was possible for me as a doctor to talk to these people; they trusted me and knew that I as a Pole, would never betray them to anyone.

Signed: Dr APOLINARY GOTOWICKI"

BY MR. JUSTICE JACKSON:

Q Now, you have explained that some of these conditions were due, in yonr judgment, to the fact that bombing took place and the billets of the prisoners and workers were destroyed.

A That is true, but that doesn't mean that such conditions, if they should really be true, could be considered as general.

Q I'm sorry. My device has been turned to the wrong dial and I didn't get that. Would you give me that answer again.

A That is true, but I should like to point out to you that conditions such as are described in this affidavit cannot be considered as being general Apart from that, I don't believe that the matters contained herein are true, but I can't speak about that because you can't expect me to know the details of the goings on in the firm of Krupp.

Q Well, in the first plane, was it considered proper by you to billet forced workers and prisoners of war so close to military targets as these prisoners were?

A I don't want to tell you a certain number of things which every German has at heart. Non-military targets were attacked.

Q You wouldn't consider the Krupp plants proper targets?

A The camps weren't in the Krupp works. They were near the town of Essen. On principle, we didn't construct camps near the works because we expected that they would be bombed, and because we didn't want the camps to be destroyed.

Q Did you notice that one of the photographs in evidence shows the camp directly against the works?

A I should like to see it again, please.

(The photograph was shown to the defendant.

A. On this photograph it is recognizable that some large factory is in the background, but that does not alter my statement, namely, that almost exclusively we constructed the camps outside the works. I don't know how this can be the case in this particular instance, and I can not say whether it is a camp or just changling barracks. It might have been anything left there in the proximity of the camp. I still believe that these cupboards were ordinary cupboards, and this is one of the many barracks that were necessary for the workers to change in before and after work. The fact that these are wardrobes and not any special cupboards is something that any expert in Germany will confirm because this is a mass produced article. In favor of this i the fact that there are airhole vents at the top, just as every wardrobe has such ventilation holes for air intake and outlet.

Q. As Production Minister, you were vitally interested in reducing the sickness rate among workers were you not?

A. I was interested in seeing that the output was high, and part of that in special cases -- this, too --

Q. Well, special cases -- Part of production in all cases is dependent upon the sickness rate of your labor force, isn't it, and is it not a fact that, as a man engaged in production, the two greatest difficulties in manpower and production are sickness and rapid turnover, and that those factors reduce production?

A. These two factors were disturbing us, but they were not actually so extensive as appears to be the case from your words. Sickness presented a a very small percentage and in my opinion, that percentage was a small one. Propaganda pamphlets dropped from aircraft were asking the workers to fake illnesses, and detailed instructions were given to the workers on just how one could fake illnesses. Against that the authorities concerned introduced certain measures, which I considered proper.

Q. What were those measures?

A. I can not tell you in detail because these penalty measures were not written by me, nor did I have the necessary power, but as far as I know, it was done by the Plenipotentiary for Manpower, in collaboration with the police

H0162 - 0064

authorities or the authorities of the state, but the jurisdiction in this connection was that of the authorities who were responsible for penal actions.

Q. Now, if you do not know what they were, how can you tell us that you approved of them? We always get to this blank wall that nobody know what was being done. You knew that they were at least penalties of great severity, didn't you?

A. If I say that I approved, then I want to say that I do not want to dodge my responsibility here. You must understand that a minister of production, particularly in connection with air attacks, has a tremendous task before him and that I had to take care of that. I could only take care of matters outside my own particular sector is some special circumstances arose, some particularly serious circumstances forced me to do it. Otherwise, I was glad if I could settle my own work, and, after all, my taks was by no means a small one.

I think that if in England during the German air attacks you had asked the British Minister of Production whether he had shared the worries of the Minister of Labor and whether he was taking care of the other man's worries, then the British Minister of Production would probably have told you that he had something else to do, that he had to keep his production going and that he had to wait and see what the Minister of Labor would do in his sphere, and no one would raise a direct accusation against the British Minister of Production for not caring about the other matters too.

Q. Production was your enterprise, and do you mean to tell me that you did not have any records or reports on the condition of the manpower which was engaged in production which would tell you if there was anything wrong in the sick rate or anything wrong in the general conditions of the labor?

A. What I heard is contained in Central Planning. There you will get a reflection of what I have heard, though there were many other meetings too. I can not tell you in detail what I did know, because these were things which did not come within my sphere of activity, but it is a matter of course that if you are engaged in one task of the state, you will also hear a certain amount about the things that border your sphere and that you will hear a cer-

H0162-0065

certain amount about the things that border your sphere and that you will hear a certain amount of other matters, but the facts are that if such deficiencies do not fall into one's duties, one does not have the duty to pursue them, and later on you do not, of course, remember in detail about what you have heard, but if there is any particular passage, I shall be delighted to give you information on it.

Q. All right; assume that these conditions had been called to your attention and that they existed. With whom would you have taken it up to have them corrected? What officer of the government?

A. In normal circumstances, a minister would act like this: He would sned the document to the authorities who were responsible. I will say that if I heard of such deficiences, I would try to stop them, and I would normally have gone directly to the officer concerned. That was either the German Labor Front, with which I had a liaison officer, or it was handled through my labor department to Sauckel.

The practice was that if I did not receive a return report, I then considered the matter as having been taken care of, and I could not, of course, chase after every such thing and make further inquiries as to whether it had been dealt with or not.

Q. With the Krupps then you would not have taken it up? You think they had no responsibility for these conditions?

A. In the case of Krupp, in visits to Krupp there were certainly discussions about the conditions that would generally exist for workers after air attacks. That was one of our greatest worries, particularly with reference to Krupp, and about that I was most efficiently informed, but there was no difference made for Krupp, and I can not remember that I was told that foreign workers or prisoners of war were in a particularly bad condition. Temporarily they were all in a bad way, in a very primitive condition. German workers were lying in cellars during those days, and in a small cellar room, six or eight people would be quartered.

Q. Your statement sometime ago that you had a certain responsibility as a minister of the government for conditions -- I should like to have you

H0162-0066

explain a little further what responsibility you referred to when you say you assume responsibility as a member of the government.

A. Do you mean the declaration I made yesterday?

Q. What do you mean by, Your common responsibility, along with others?

A. Oh, yes. In my opinion, in the life of the state, there are two types of responsibility. On is the responsibility one has for one's own sector and for that, of course, one is fully responsible. Over and above that it is my own personal opinion that with reference to utterly decisive matters, there is total responsibility; there must be total responsibility. Insofar as a person is one of the leaders, because who else could assume responsibility for the development of events, if not the immediate associates who work with and around the head of the state?

This total responsibility, however, can only be applied to principal affairs. It can not be applied to the handling of details which have occurred in the spheres of influence of other ministries or other responsible sources, because otherwise the entire discipline of the life of the state would be completely muddled up, and no one would ever know who is individually responsible in his sphere of influence. These spheres must be cleanly divided.

Q. Your point is, I take it, that you as a member of the fovernment and a leader in this period of time, acknowledge a responsibility for its large policies, but not for all the details that occurred in their execution. Is that a fair statement of your position?

A. Yes.

MR. JUSTICE JACKSON: I think that concludes the cross examination.

THE PRESIDENT: Do any of the other Prosecutors wish to cross examine?

BY GENERAL RAGINSKY:

Q. Defendant Speer, when you told your biography to the Tribunal and answered the questions of Justice Jackson, you omitted some substantial things from your biography. I would like to ask you a few questions.

A. I have left out such points as I did not wish to contest, as they are contained in the documents, and I would have one awful job if I were to go into all of these points in detail.

Q. I would like to recall those details, and I would like to ask you to answer shortly.

H0162 - 0067

H0162 - 0068

Did I understand you correctly that , in addition to your ministerial position, you were also the personal adjutant to Hitler? Have you held this position?

A Yes.

Q Have you been General Inspector of Roads?

A Only after Dr. Todt's death

Q Yes, of course. General Inspector of Roads and Production?

A Yes.

Q General Plenipotentiary for the Four Year Plan?

A General Plenipotentiary for the Building System.

Q The Director of the Todt Organization?

A Yes.

Q You were associated with the technical direction of the National Socialist Party?

A Yes.

Q The leader of the union of National Socialist Technicians?

A Yes.

Q And in addition to these jobs, have you had any other leading positions?

A Oh, I had about ten or twelve positions. I don't want to give you a list of them all.

Q Have you been on e of the leaders of the German House of Culture?

A No, that is not true. No, No; I can not tell you for certain, but I think there I was a senator or something like that.

Q Have you been a member of the praesidium of the Academy of Culture?

A Yes.

Q Have you been a member of the praesidium of the Academy of Arts and Architecture?

A Yes, that too.

Q I shall not mention the other posts that you have had. Do you remember the position you took in the interrogation by Colonel Rosenblith in 1945?

A Not any more in detail, no.

Q I will remind you of one question, and you tell me whether or not your answer was correct. It was a question of whether you acknowledged that in his book "Mein Kampf" Hitler stated bluntly what his aggressive plans were with respect to the countries of the East and the West and, in particular, with respect to the Soviet Union. You answered, "Yes, I acknowledge it." Do you remember that?

A That is perfectly possible, yes.

Q And do you confirm that now?

A No.

Q You do not confirm that now?

A I shall have to tell you that at the time I was ashamed to say that I had not read all of "Mein Kampf". I thought I would feel a little silly about that.

Q All right, we shall not waste time. You were ashamed, and now you are not ashamed. Let's go to another question.

A Yes, I cheated a little at that time.

Q Maybe you are cheating now?

A No.

Q You worked on the staff of Hess, didn't you?

A Yes.

Q You were collaborating with Ley?

A Yes, in the Labor Front.

H0162 - 0069

H0162 - 0070

Q In the German Labor Front you had a high rank in the Nazi Party, as you stated here today; you said that today inCourt.

A That wasn't a very high rank, though; it wasn't in any way corresponding to the position which I occupied in the State.

Q You had better listen to my questions and then answer them.

I repeat; you were the Plenipotentiary for Hess, and you worked with Ley in the Labor Front. We willnot discuss the fact as to whether it was a very high rank or not, but you did have a rank in the Nazi Party.

Yesterday, in Court, you said that you were one of Hitler's close friends. You now want to say that so far as the plans and intentions of Hitler were concerned you only learned about them from the book Mein Kampf?

A I can give youan explanation in that connection. I was in close contact with Hitler, and I heard his personal views. These views of his did not lead one to the conclusion that he could have had any of the plans as of the period in these documents before. I was particularly satisfied, in 1939, when the non-aggression pact with Russia was signed, for instance. After all, your diplomats must have read Mein Kampf too, and in spite of that they did sign that non-aggression pact. I am sure they were more intelligent than I am in political matters.

Q I do not think we should now examine into who read Mein Kampf and who did not; that is irrelevant.

So you contend that you did not know anything about Hitler's plans?

A Yes

Q All right, please tell us this. As the leader of the Technical Department of the Nazi Party, what were the tasks of this organization?

A In the Party?

Q You probably know better than I, because you were the leader of the main technical leadership group of the Nazi Party.

A I onlytook over that task in 1942; and in 1942, during the war, there wasn't any task for this Chief Department of Technology of the NSDAP.

Q But ---

Q Just a moment, please.

H0162-0071

The officials who were working in that department were taken over into my ministry by me, and there I had them work in a capacity for theState. Detailed information about this will be given to you by the written testimony of a witness by the name of Sauer, and that is contained in my document book. That document book also contains a decree issued by me, which came out at the end of 1942, in which I ordered the transfer of these tasks to the apparatus of the State.

Q But youdid not answer my question. In order not to lose time, I will read what Sauer said on this question, and you will please state whether it is correct or not correct.

On the question concdrning the tasks of the technical office of the Party, Sauer said that the task of the Main Technical Office inthe Party was a united leadership of technical organizations to serve the German Nation on scientific, special, and political questions. It was apolitical organization, was it not?

A No, it was a technical organization.

Q A technical organization, which was busy with political questions?

In the document book which has been presented by your defense counsel, and which was partlyquoted here, there are indications concerning the tasks of the Main Technical Office. From the document it is obvious that the technical deliberationswere to incorporate National Socialist thinking among engineers, and that this organization was also a political one, and not a technical one.

A Where does it say so? May I have the document please?

Q Of course; the document book of the defense [illegible] give it to you, and you will have it. You will soon see the structure.

A The translation was that it was in my document book, but I now see that it is the organization bobk of the NSDAP.

Q Yes; that is the structure of the Kreisleiter of the NSDAP. That is document 1893-PS, whichhas been presented by your defense counsel.

A Yes, but it says, in my document book --

Q This is the document book in Russian.

H0162-0072

A Yes, but in my document book it says that the Chief Department for Technology in the NSDAP did not have a political task. That is something which I have made the subject of an extract of this organization, the handbook of the NSDAP, and I would not have included it in my document book if I hadn't had the precise impression that, particularly from that extract, it appears, contrary to all other countries, that the Chief Department of Technology had a non-political task within the Party.

Q Was the National Socialist Union of German Technicians a political organization?

A By no means.

Q Could the leaders of this Union not be members of the Nazi Party?

A They didn't have to be members. As far as I know, I never paid any attention as to whether they were members or not.

THE PRESIDENT: Shall we adjourn now?

(A recess was taken.)

BY GENERAL RAGINSKY:

Q You were one of the leaders of the Central Planning Board. Was the search for new sources of raw materials included in your aims?

A I do not understand the meaning of the question.

Q So far as the problems of the Central Planning Board were concerned, was the search for new sources of raw materials included in the aims or problems of the Central Planning Board?

H0162 - 0073

A No.

Q All right. I shall read to you from your document book. Otherwise, we shall lose too much time with you. This is in the order dated the 22nd of April, 1942, signed by Goering. This order is in your document book in the first volume, Page 14 of the Russian text and Page 17 of the English text.

"With a view towards assuring priority of armaments as ordered by Hitler, and to summarize all the demands which are made on the total economy and in order to find new sources of raw material, I order that there be organized a Central Planning Board."

Further, it mentions who the members of the Central Planning Board were. In the third part, the tasks of the Central Planning Board are enumerated:

"The Central Planning Board encompasses the sphere of the entire economy, and has among others the following tasks:

"Point C: The distribution of raw materials, especially iron and the metals, among all places requiring them, and also a search for new sources of the raw material."

This is written in your document book.

A Yes. There is a distinction to be made. I was told "sources of raw materials." I understand "sources of raw materials" to mean "ore", for example, or coal. What this paragraph says is the "production of new raw materials." That means the construction of a factory for steel production, for instance, or an aluminum factory.

I said myself that this expansion of the basic raw materials for industry was important, and that I took over this activity.

Q Yes. Of course, it is rather difficult to deny it. Will you tell us why there is this difference?

A First, these are technical expressions, and it may be that through having to be translated twice, these technical expressions are rendered falsely. The meaning of the paragraph is completely clear. Every expert can confirm it. That is the same activity.

Q I understand the sense. Tell us, when you enumerated the members of the Central Planning Board, was it just accidental that you did not name Funk as a member of that Board?

H0162-0074

A No. Funk worked hardly at all in the Central Planning Board. That is why I did not list him. In September, 1943, he became a member officially; but after that time he took part in only one or two meetings, so that his activity was very slight.

Q I did not ask you about his activity; I am asking you whether Funk was a member of the Central Planning Board.

A From September 1943, on, yes.

Q And it was purely through accident that you did not name him? Or did you have any particular purpose in not naming him?

A I named only the three members who had been members from the very beginning, because I spoke only of the formation of the Central Planning Board.

Q All right. Here you maintain that you were concerned with peaceful construction, and so far as the appointment to the post of the Minister of Armaments was concerned, you accepted this without any desire or any wish, and you had your qualms about it. Do you stillmaintain the same view?

A Can I have the question repeated?

Q If you please. Here you stated several times, in replying to the questions of your defense counsel, that the post of the Minister of Armament was accepted by you without any special wish on your part, and that you were really not concerned about it, and you did not particularly care to accept it. Do you still maintain that now?

I shall remind you of what you said to the representatives of industry in the Rhine district. Do you remember what you said to them? I shall quote one paragraph from your speech. You said:

"In the spring of 1942, without worrying about it, I accepted the demands propounded by Hitler as a program which must be fulfilled, which I am fulfilling now, and which shall be fulfilled."

Did you mention that before?

A Yes. But that has nothing to do with that statement of yours. The demands meant here are the demands for an increase in military armament. Those are the ones I accepted. But in addition, of course, I immediately accepted the appointment of Armament Minister without any reservation. I never denied that. I only said that I would rather be an architect then an armament minister. That could be misunderstood.

Q And now we shall listen to whatyou said to Gauleiters in your speech in Munich:

"I gave up all this (meaning architecture) to dedicate myself wholly to the solution of the war problems, as is expected from all of us."

Is this the same sort of thing which you are saying now?

A Yes. I believe that that was the custom in your state, too.

Q I am not asking you about our state. We are not talking about our state here. I am asking you what you said to the Gauleiters and what you are testifying to now.

A I only wanted to contribute to your understanding, because it is certain that you do not understand that in a war one should accept the post of armament minister. If it is necessary, that is a matter of course. I cannot understand why you do not understand that and why you want to reproach me for doing so.

Q I understand you perfectly.

A Very well.

Q When you made your speech before Gauleiters, of course, you did not think then that you would be held responsible before the International Military Tribunal for your words spoken in the past.

A Excuse me; one moment, please. I must answer this question, because you read this out of my document book. I hope you consider me intelligent enough to be able to set up my document book correctly.

Q Quite so, quite so. But these documents are not only in your possession, but also in the possession of the prosecution. However, we shall pass on to the next qestion.

Here, in response to the questions of your defense counsel, you testified about the principles and pacts of your ministry. In connection with this, I should like to ask you a few questions. Do you remember the contents of your article entitled, "Increase of Production", which was published in "Das Reich" on the 19th of April, 1942?

You will be given a copy of this article in a second.

GENERAL RAGINSKY: Mr. President, I submit this article as an exhibit, USSR 479.

H0162 - 0075

H0162 - 0076

BY GENERAL RAGINSKY:

Q I shall remind you briefly what you wrote about the principles of your ministry.

"One thing, however, will become necessary, and that is the most energetic procedure with the most severe punishment when offenses occur which are in any way detrimental to the interests of the state .... with imprisonment or death ... The war must be won."

Did you write this?

Now, I shall remind you of another article of yours. You will also be given a copy of this.

A May I ask you to read the whole paragraph? You left out a few sentences.

Q Yes, yes, I omitted a paragraph or two. Now I will ask you a question on it.

A But they show why these 2,000 death sentences were provided. I believe you must quote that in order not to lose the context.

Q You will give your comments or explanations to the questions afterwards. But meanwhile listen to the question as I ask them to you now. If you want to give your explanation in regard to this, you are entitled to do so later.

THE PRESIDENT: General Raginsky, the Tribunal would prefer to have the comments now.

GENERAL RAGINSKY: Mr. President, if the defendant wishes to give an explanation, I shall let him do so, of course.

THE WITNESS: The text which you omitted reads as follows:

"At my suggestion, the Fuehrer ordered that those heads of concerns and employees, and also those officials and officers who attempted to give inaccurate facts about materials or workers will receive severe sentences, even death sentences."

That is considered as follows. When I took over my office, the requests to the Central Agencies were added to my intermediate agencies. Each of the many agencies added a suggestion of its own, so that the demands which reached

H0162 - 0077

me were quite enormous, incredible, and no planning was possible for this reason. For example, the demands which I received for copper in one year was more than the whole world's production of copper in one year, because these additions had been made. And in order to prevent this and get accurate indications, I issued an order to these officials, officers, heads of concerns, and employees, which was to prevent them from doing this.

In my Gauleiter speech, I mentioned it. It says that this decree would result in no one's daring to give false indications, and I assumed that the intent of the decree would be fulfilled, and that it would never be necessary to put the decree into effect, since I did not believe that the heads of concerns, employees, employees, officials, and officers, would have enough conrage to give such false indications in view of such a high penalty.

In fact, nothing ever happened, but the demands for materials and workers which reached me were considerably reduced by this measure.

BY GENERAL RACINSKY:

Q You maintain that your obligations and duties as a minister included only production. Did I understand you correctly?

A Armament production, yes.

Q And in so far as the supply of industry with raw materials is concerned, wasn't it included in your duties ?

A No, from September 1943 on, when I took over all produdtion, that was my task; that is true. Then I was in charge of everything from raw materials to the finished products.

Q In the book which was published in 1943 in the issue of November —— you will be given this issue now —— and I submit this document to the Tribunal as USSR Exhibit 480—— it is written in the book : " On the basis of the Fuehrer directive of the 2nd September 1943, about the concentration of war economy and on the basis of a decree of the Reichsmarshal of the Greater German Reich and the Plenipotentiary for the Four Year Plan, and the Central Planning of the 4th of September 1943, Reichsminister Speer as a minister for armament and war industry is now responsible for the entire war economic production in his capacity as Reich Minister for armament and war production. He alone as plenipotentiary is responsible for supplies, direction and execution of the trade war economy." Is this correct ? I ask you to asnwer in brief; is it correct or not ?

A That is correct in a layman's term, because the term of war materials does not quite cover armament and war material. This was not drawn up by an expert but otherwise it agrees with what I have testified. I said that war production included total production.

Q Yes, but after September 1943, you were responsible not only for the war industry but also for war economy as well and those are two different things.

A No, that is a mistake : It says here "trade war economy", (Gewerbliche Kriegswirtschaft). That is something similar to production ; that is war production in trade and industry; that is a limitation and if it says"all war production" it probably means production according to the person who drew this up.

Q All right, we will pass to the next question. You mentioned here already that having accepted the post of Minister in 1942, you inherited a great task and heavy task, if one can express one's self; and also tell us briefly, please, what was the situation in so far as this strategic role is concerned, and in particular with metals as used in the war industry ?

H0162 - 0078

THE PRESIDENT : General Raginsky, is it necessary for us to go into details ? Isn't it obvious that a man who was controlling many millions of workers had a large task ? What is this directed to ?

GENERAL RAGINSKY : Mr. President, the question is a preparatory sort of question that leads to another question and in as much as it is connected ---

THE PRESIDENT : What is the ultimate object of the cross examination ? You say it is leading to something else. What is it leading to ?

GENERAL RAGINSKY : The Object is to prove that the defendant Speer participated in the economic plundering and looting of Occupied Territories.

THE PRESIDENT : Yes, if you ask him directly about that.

GENERAL RAGINSKY : That is exactly what I am getting at.

BY GENERAL RAGINSKY :

Q Do you acknowlege the fact that you participated in economic plundering of Occupied Territories ?

A Economic plundering of Occupied Countries ? I participated in economic exploitation of the Occupied Countries. I don't know what plundering of an occupied territory means.

Q To liquidate strategic raw materials; and did you import metals from Belgium, France and other Occupied Territories ?

A Of course, I did not export them myself but certainly I had some sort of part in it. I was not responsible for it but certainly I urged that we should get as much metal as possible from there.

Q I am satisfied with your answer and as to how the Tribunal will qualify your answer. Do you remember Hitler's order about concentration of war economy, published on the 2nd of September. You will be given a copy of this order right now. This document is being submitted as USSR Exhibit 482. I don't intend to read all of this as it will take too much time. I would like to read into the record only a few paragraphs in this order, beginning with the following sentence : "Taking into consideration the demands of war and better utilization of manpower, I order the following : " Paragraph 2. "The authorities of the Reichsminister for Economy in this sphere of raw materials production and in industry are given to the Reichsminister for armament and ammunition. The Reichsminister for Armament in the war industry, because of his greater scope of task is called the Minister For Armament and War Industry". Did you find what I just said ?

H0162 - 0079

A Yes.

Q I shall ask you, as briefly and exactly, to tell us, that is, how in this connection, with this order, how were the functions separated between you and Funk ?

A That is shown from the text here; that I was in charge of all production from raw materials to the final product and Funk was in charge of all general economic questions, primarily the question of transfer of money and the questions of stock and foreign trade, and so forth, but that is not and exhaustive description which I have just given, it is just an approximate one.

Q I am satisfied with this answer. In connection with this order, did you receive plenipotentiary powers in so far as regulation of the goods exchange is concerned or trade ?

A I don't know what you mean.

Q All right. In order not to lose any time, you will be given a document signed by you and Funk, which is dated the 6th of September 1943. This document I present to the Tribunal as USSR Exhibit 483. I shall read the first sentence of the first paragraph : "In as much as the order for the authority of the Reichsminister of Economy also includes the regulation of goods exchange, this authority for the period of the war is given over to the Minister For Armament and War Industry." In this way, your role in the war effort of Germany, your role during the period of the war, the role of a leader of economy, war economy in Germany, it was much broader and wider in scope than what you presented here at the Tribunal sessions ; Wasn't it so ?

A No, I did not try to present the situation any differently. I said that the armament minister in the war was the most important position in the Reich; everything has to go through the armament industry. I don't believe any more comprehensive presentation of my task can be given. This presentation of the matter of my exchange of goods is a matter of subordinate significance. I can't even say what it means. It is a technical term which I don't understand.

Q Yes, but this document is signed by you and now you don't know exactly what is meant by it. You signed it together with Funk.

A Of course.

Q Tell us, how was the connection or contact between your ministry and the German Labor Front maintained and was there any contact between the two organizations ?

H0162 – 0080

A There was a liaison man between the German Labor Front and me, just as in all other important offices in the Reich.

Q Won't you name that officer ?

A That was my witness Hupfauer who later was chief of the central office under me.

Q You testified that in the number of war concerns, such important concerns, such as concerns of fabrication and lumber mills should not be included in the list of war concerns. Did I understand you correctly, did you maintain this ?

A No, that is a mistake. That must have been wrongly translated.

Q How should I understand you correctly ?

A I believe that there are two mistakes in translation here. In the first place, in my testimony I did not speak of war industry but of the term "armament". I said that this term "armament" includes textile concerns and wood and leather concernes. Armament and war industry are two entirely different terms, however.

Q And the textile industry is wholly excluded from the sphere of armament ?

A I said that various textile concerns were incorporated in the armament although in fact they did not produce any armament articles in the stricter sense.

H0162 -0081

H0162 - 0082

Q Doesn't the textile industry manufacture parachutes for the Navy and ammunition for the Air Corps?

A Yes, but you know the Geneva war prisoner agreement says that thatis not forbidden, for prisoners of war to produce them. I have the text here. I can read it to you.

Q And now you want us to accept you seriously, that powder can be manufactured without cellulose and, therefore, you are narrowing down the conception of war industry and war production?

A No. You misunderstood me completely. I wanted to make the concept of armament production as wide as possible in order to prove that this concept, "armament industry", is something entirely different than the industries that produce armament in the sense of the Geneva Convention.

Q All right. You testified to your objection to the utilization of foreign workers with the motives, which Schmelter indicated in his testimony. He was in charge of labor in your ministry. This testimony is presented by your defense counsel. I shall read only one paragraph and will you please confirm whether it is correct or not: "Minister Speer several times mentioned to us that utilization of foreign workers will create great difficulties for the Reich so far as the food supply for the workers is concerned." Were these the motives for your objections?

A The translation must be incorrect here. I know exactly how the text reads and the sense of this is correct. It was the following problem: If we brought new workers to Germany for these works we had to supply the basic calleries which are necessary to feed a human being, but the Germans still working in Germany had to receive these basic calleries anyhow. As a result, the food supply was saved if I occupied German workers in Germany and the additional calleries which are necessary for persons doing heavy work and working longer hours could be increased somewhat. That was the sense of Schmelter's statement.

Q Defendant Speer, you digressed from a direct answer to my question and here you are expressing details which are of no interest to me. I am asking you about this particular place from the testimony on the part of Schmelter that tied into the record. Was his testimony correct as to the facts

H0162 - 0083

or not?

A It was falsely translated. I should like to have the original in German.

Q The original is in your document and you can read it, so I will pass to the next question.

A But it is necessary to show it to me. In cross examination I don't have to take my document book on to the stand with me.

THE PRESIDENT: You must give him the document if you have the document.

GENERAL RAGINSKY: Mr. President, this document is incorporated into the document book presented by the defense counsel. The Tribunal has the original. I have only the Russian translation of the document. Schmelter's affidavit was quoted yesterday.

THE PRESIDENT: Have you got it, Dr. Flaechsner?

DR. FLAECHSNER: Yes.

(Handing instrument to witness.)

THE PRESIDENT: Thank you.

THE WITNESS: On what page is it?

GENERAL RAGINSKY: This is Page 192 in the Russian translation, answer to Question No. 13, the last paragraph of the reply.

THE WITNESS: Yes. In the German text, he referred repeatedly to the fact that the employment offoreign workers would require greater difficulties in the manufacturing and additional feeding in the Reich. I explained that; I explained for what reasons that was the case. I believe the same testimony, if you don't believe me, is given later, this explanation of mine.

BY GENERAL RAGINSKY:

Q Your Deputy, Schieber, in reply to the question whether Speer knew that the workers were the ones who were brought from occupied territories answered: "Yes, this was quite a debatable question. We always used to say that Sauckel will leave only partisans in there if he will use the measures of enforcing recruitment." In connection with this, I say you not only knew of the fact that people who were working in your industries were enslaved workers but you also knew about the methods used by Sauckel. Do you confirm that?

H0162 - 0084

A I know that the workers were, in part, brought to Germany against their will. I have already said so. I have also said that the effect of this compulsory recruitment I considered disadvantageous for production in the occupied territories. I repeat my testimony.

Q There is no use in repeating your testimony. Tellus, didn't you insist on Sauckel supplying you with workers, which he had to bring in forcibly, beyond these demands that you had already made? I shall remind you of your letter to Sauckel. This will expedite the proceedings. On the 6th of January, 1944, you wrote to Sauckel: "My dear Party-Comrade Sauckel: ------- I ask you, in accordance to your promise with the Fuehrer, to assign these workers in such a manner as to enable the timely execution of the orders issued to me by the Fuehrer. An immediate requirement of labor for the Todt Organization of 70,000 workers also exists for the time limits on the Atlantic Wall issued by the Fuehrer through Order No. 51, which was announced more than six months ago. ---" Did you write this letter? Do you confirm it?

A Yes. I even admit that I included this letter in my document book for the following reasons: On the 4th of January, 1944, there took place the talk at which Hitler ordered that one million workers were to be brought from France to Germany. On the same day I told General Studt, my deputy in France, that the need for heavy industries was to be covered before sending workers to Germany, as stated in the letter which you have in your hand here. I told Sauckel two days later that my need in France was 800,000 workers for French concerns and that on the Atlantic Wall there was also a need for workers and that these needs were to be covered first, before the one million workers were sent to Germany. I said yesterday that through these two letter the drive which had been ordered by Hitler was stopped. The purpose was that the military commander who received this letter would realize that first the workers were to be used in France; that was very valuable to the military commander.

Q Defendant Speer, did you know that in the factories which you were in charge of there were forced laborers who formerly were convicts or prisoners and whose terms of confinement had already expired? Did you know about it?

A During my period in office I did not know of it, but I learned that

H0162 - 0085

here from a document.

Q Did you know it or did you not?

A I know what you mean in the Schieber letter of the 4th of May, 1944, which is in my document book, but I could not possibly remember all these details.

Q You can not remember, but Schieber, on the 4th of May, 1944, in a special letter addressed to you personally, wrote to you about it and you could not possibly have not known it in 1944. That particular circumstance, the fact that this letter is included in your document book, does not change the situation generally?

A On the basis of this letter, I then wrote to Himmler in regard to the workers who had worked out their sentences. I can submit this letter at any time. I did not do so because the document book would be too long. This letter shows that I asked Himmler that these workers, after they had fulfilled their sentences, could be released. Himmler's point of view was that these workers should remain in custody.

Q Do you remember the letter from OKW of the 8th of July, 1943, relative to the question of manpower for mining industries? Do you remember this letter and the contents of this letter?

A No.

Q I shall remind you.

GENERAL RAGINSKY: This document was presented to the Tribunal as U.S.A. Exhibit 455 and has been submitted here several times. Therefore, I think it is not necessary to read all of it into the record, but I will read just a few basic points.

BY GENERAL RAGINSKY:

Q The Fuehrer's order is mentioned in it, the Fuehrer's order to assign 300,000 Russian prisoners of war to coal mining. Do you remember about this order?

H0162-0086

A I should like to see it.

Q You will be given a chance to see it. In Paragraph 2 of this document it is mentioned that all prisoners-of-war were ordered to work here in the Eastern countries after 5 July 1943 and there, they were to be made available immediately for use in the coal mining industry.

In paragraph 4 of this document it is mentioned that, "All male prisoners, from 16 to 55 years age, captured in guerilla fighting in the operational area, the army area, the Eastern commissariats, the Government General and the Balkans, will in the future be considered prisoners of war. The same applies to those males in the newly conquered prisoners of the East. They are to be sent to prisoner of war camps, and are to be brought from there for labor allocation in the Reich." This letter was also sent to you and therefore you knew what kind of methods were used to obtain workers for your coal industry. Do you acknowledge it?

A No, I don't admit it.

Q Alright.

A I don't know whether you mean that the prisoners who were taken and if they were to be sent to the mines. At the time, of course I assumed that they were taken prisoner in the fighting, and a partisan captured in battle is, of course, a prisoner of war. But I have heard here that the prisoners in the partisan areas were not treated as prisoners-of-war. This is to the contrary. It shows that prisoners of the partisan area were prisoners-of-war.

Q I am definitely not interested in your comments on this document. I ask you whether you knew in what particular way and through what particular methods you were receiving workers for your coal industry, and you answered that you didn't acknowledge it and we will pass on to the next document.

On 4 January 1944, you participated in a meeting which took place in Hitler's quarters when the question for utilization of manpower for 1944 was discussed. You stated that you would have to have additional 1,300,000 workers. During this meeting, a resolution

H0162-0087

was adopted that Sauckel, in 1944, would furnish at least not less than 4,000,000 workers from occupational territory and to help him supply this number of workers, Himmler must help him. And, in the minutes of the meeting, signed by Lammers, it is stated that all participants of the meeting decided unanimously. Do you acknowledge the fact that if you participated in this meeting you also approved of this program?

A The program was not carried out in any way. This program was not carried out.

Q Defendant Speer, it has taken an awful long time, and you have not. . .

THE PRESIDENT: General Raginsky, from the outset of this Defendant's statements, if I understand it, he has admitted that he knows that prisoners-of-war and other workers were brought to Germany against their will. He has never denied it.

GENERAL RAGINSKY: Yes, Mr. President, he admitted it. However, the question is whether he admits that he himself is responsible for this meeting which he attended on the 4th of January. He did not answer it and I am asking him again.

BY GENERAL RAGINSKY:

Q I shall repeat my question. I am asking you, what about the fact whether Sauckel was really to accomplish this program? My question is this, whether on 4 January, you participated in a decision taken at Hitler's headquarters that a plan be drawn placing into the labor camps 4,000,000 people by Sauckel, with the help of Himmler? You participated in that, didn't you? It is obvious from the minutes which states that the decision was unanimous. Now, on the basis of this, do you accept responsibility for this?

A As far as my factor is concerned, and my responsibility, I assume that that will be decided by the Tribunal. I cannot establish that myself here.

Q Now, I shall read to you and excerpt from a document presented to the Tribunal, USA Exhibit No. 184. In this document it is stated that it will be necessary to mobilize and to draft people

H0162 - 0088

into all new Eastern territories. In this document, it is also stated that the Reich Minister of Armament gave his approval to this order and the document ends with the following sentence?

"Medical inspection and mobilization means must be accomplished at greatest possible speed and with great energy and with the utilizing of necessary measures."

Do you remember this order?

A I read this document here, that is correct.

Q Now we shall pass on to the next question. You stated here that you were highly critical of Hitler's entourage. Will you please name whom you criticized?

A No, I won't name them.

Q You will not name these persons because you did not criticize anybody, shall I understand it this way?

A I did criticize them but I don't consider it right to criticize them here.

Q Well, I won't insist on an answer to this question.

Tell us, you had some differences with Hitler. Did they begin after you had convinced yourself of the fact that Germany had lost the war?

A I testified to that exactly yesterday.

Q You spoke here quite extensively about your opposition to the dissolution of industrial concerns in the Eastern section of the Reich. But, you really directed a plan to occupy these regions so that in the future once again you could save these concerns for yourself.

A No, that was not the reason. I explained that in detail yesterday, that I used that as an excuse in order to prevent their destruction. If you will look at my memorandum, for instance, it was shown that there was no question of re-occupation and I believe that no military leaders thought that a re-occupation of France, Belgium or Holland was possible in 1944. The same thing was true of the Eastern territories, of course.

Q I think that it would be better if we would refer to the

H0162-0089

document. It would expedite time. It is a memorandum, or a draft of a telegram which you prepared for Gauleiters you mentioned, and I read page 56, Volume 1 of your document book.

"That is not the reason that regions will be returned to us inasmuch as the Western regions are forced to wage a war."

What is stated here, is it what you stated here or is it what you wrote to Gauleiter Wagner, Simon and others?

A It was quoted by my lawyers yesterday. I should like to see the document again. I do not know whether it is necessary to repeat this whole explanation, It was given yesterday and lasted about 10 minutes. Either my explanation of yesterday is believed or not.

Q Defendant Speer, I do not want you to repeat what you said yesterday, and if you are going to tell us what you said yesterday. . .

THE PRESIDENT: You asked him a question which was asked yesterday. He must give the same answer if he wants to give a consistent answer.

GENERAL RAGINSKY: Mr. President, I am asking him this question because according to my opinion, he has answered this question because according to my opinion, he has answered this question very wrongly. Therefore, I think to repeat yesterday's answer is an absolute waste of time. If he does not want to answer truthfully, then I shall pass on to the next question.

THE PRESIDENT: The witness said he had answered the question truthfully yesterday, but if you want him to repeat it again, he will do it but it will takd about 10 minutes to do it. That's what he said and it is a perfectly proper answer.

GENERAL RAGINSKY: I prefer to pass on to the nest question.

BY GENERAL RAGINSKY:

Q Tell us why this telegram referring to the dissolution of industrial firms was delivered by you to your Gauleiters?

H0162-0090

A That was not sent to my Gauleiters. That was sent to my deputy and Gauleiters. The Gauleiters had to be informed becaus they might, on their own initiative, order Destructions and since the Gauleiters were not subordinated to me, I had to send this teletype message to Bormann, to whom the Gauleiters were subordinated and I had to have it sent to him.

H0162 - 0091

Q You stated that the adherents of Hitler's scorched earth policy were Ley, Goebbels and Bormann. Now, how about the ones who are alive now, those who are now sitting in the dock. Didn't any one of them support Hitler?

A As far as I recall, none who are in the dock now were for the scorched earth policy. On the contrary, Funk, for example, was one of those who opposed it very strongly.

Q Yes. This policy was advocated only by those people who are dead now.

A Perhaps they killed themselves because they were for this policy or did other things.

Q Your defense counsel has submitted to the Tribunal several letters addressed to Hitler, dated March 1945. Tell us, after these letters, did you lose Hitler's confidence?

A I said yesterday that there were violent disputes after that, and Hitler wanted me to go on permanent leave. That is, in effect I would be dismissed. But I did not want to.

Q I have heard this before. But nevertheless, Hitler appointed you, Speer, to be in charge of all destruction.

A Yes, it was so. I was competent for the destruction or non-destruction of industry in Germany after the 19th of March 1945. Then, a Hitler decree, which was also submitted, took away from me this power to carry out destruction, and through Hitler's decree of the 30th of March 1945, which I drew up, I obtained the right to carry out destruction again. But the main thing is that I submitted my own orders which I issued on the basis of this power to carry out destruction. They show clearly that I prohibited the carrying out of destruction. It is not important what Hitler's decree was like, but what my execution decrees were. That is also among the documents.

Q In spite of the fact that Hitler received such letters from you, he did not regard you as one who opposed him?

A Hitler said, at the talk which I had with him at that time, that he could not dispense with my services for reasons of domestic politics or foreign politics. That was his explanation. I believe that his confidence in me was shaken already, for in his testament he named another as successor.

A And the last question. In April, 1945, in Hamburg in a radio studio, you wrote a speech to be made should Berlin fall, and in this speech, which

H0162 - 0092

was not made or published, you were in favor of prohibiting the organization of Werewolves. Tell us who was in charge of the Werewolves.

A Reichsleiter Bormann was in charge of the Werewolves.

Q And besides Bormann, who?

A No, just Bormann as far as I know. I can't say exactly. The Werewolves were an organization which was subordinate to Bormann.

Q That is understood. If Bormann were alive, then it would happen that the leader of this organization was Himmler. One would hardly expect another answer.

GENERAL RAGINSKY: I have no more questions of the defendant.

THE PRESIDENT: Dr. Servatius, did you want to ask something arising out of the cross examination?

DR. SERVATIUS: I have only a few questions on the cross examination.

BY DR. SERVATIUS:

Q Witness, you stated that after air raids there were shortages in the concerns, and that you reported them to the DAF or to Sauckel.

A No, I was asked whether I received reports on such conditions. I said yes, and I then passed them on to Sauckel or to the DAF because they were the competent authorities.

Q What were the contents of these reports which were sent to Sauckel?

A As far as I recall, I said in the examination that I do not recall precisely receiving such reports. The question was only a theoretical one, what would I have done if I had received such reports. I said I am sure reports reached me, but I cannot recall their contents.

Q What was Sauckel to do then?

A Sauckel could not do anything against the air raids either.

Q If you sent the reports to him, that meant that he was to bring some aid.

A Yes, or that he, as the competent authority, should have precise information about conditions in his field of work.

Q His field was recruiting workers.

A No, he was also in charge of labor conditions.

Q Labor conditions could be improved only through delivery of material, through food delivery, and so forth.

H0162 - 0093

A Of course, but in the last analysis the Plenipotentiary for Labor Commitment was responsible for working conditions. That was also shown by the decree which Goering signed. Of course, in order to make working conditions perfect for workers, there were other authorities; that is clear.

Q But there was no question of issuing the decree, but of giving practical aid.

A Practical aid after air raids was not given by the central agency. That was impossible because transportation and telephone connections were generally cut, but that was settled on a local basis.

Q In other words, Sauckel could not do anything?

A Not personally, no, but he had his local offices who participated in this work.

Q We had to turn to you for any material. Everything was confiscated for armament.

A As far as building material was concerned, he could get it only from me, and he then received large amounts of building materials. I don't mean Sauckel received them, but as far as I recall, it was the German Labor Front in general, which actually took care of the camps.

Q What were the agencies which exercised this care? Were you not the agency that cared for the concerns?

A Not in the sense in which you mean. You want me to say that I was in charge of working conditions.

THE PRESIDENT: The Tribunal thinks that we have been all over this already with the witness, Dr. Servatius.

DR. SERVATIUS: Mr. President, I believe this question was not discussed Yesterday the self administration was discussed. There is the question of the agencies caring for the armament industry, and there is a possibility of the defendant Speer's contacting the concerns through the Labor Commitment Engineers. I wanted to ask one question about that.

THE WITNESS: I will be glad to explain it.

BY DR. SERVATIUS:

Q Did you not, through the Labor Commitment Engineers, the Arbeitseinsatzingenoure, havethe possibility of improving conditions in the concerns, and did you have supervision of conditions?

H0162 - 0094

A Of course, but in the last analysis the Plenipotentiary for Labor Commitment was responsible for working conditions. That was also shown by the decree which Goering signed. Of course, in order to make working conditions perfect for workers, there were other authorities; that is clear.

Q But there was no question of issuing the decree, but of giving practical aid.

A Practical aid after air raids was not given by the central agency. That was impossible because transportation and telephone connections were generally cut, but that was settled on a local basis.

Q In other words, Sauckel could not do anything?

A Not personally, no, but he had his local offices who participated in this work.

Q He had to turn to you for any material. Everything was confiscated for armament.

A As far as building material was concerned, he could get it only from me, and he then received large amounts of building materials. I don't mean Sauckel received them, but as far as I recall, it was the German Labor Front in general, which actually took care of the camps.

Q What were the agencies which exercised this care? Were you not the agency that cared for the concerns?

A Not in the sense in which you mean. You want me to say that I was in charge of working conditions.

THE PRESIDENT: The Tribunal thinks that we have been all over this already with the witness, Dr. Servatius.

DR. SERVATIUS: Mr. President, I believe this question was not discussed Yesterday the self administration was discussed. There is the question of the agencies caring for the armament industry, and there is a possibility of the defendant Speer's contacting the concerns through the Labor Commitment Engineers. I wanted to ask one question about that.

THE WITNESS: I will be glad to explain it.

BY DR. SERVATIUS:

Q Did you not, through the Labor Commitment Engineers, the Arbeitseinsatzingeneure, havethe possibility of improving conditions in the concerns, and did you have supervision of conditions?

H0162 - 0095

A I have to describe the work of these offices. They had an engineering task. That is shown from their title.

Q It was limited to this engineering task?

A Yes.

DR. SERVATIUS: Then I have no more questions.

DR. FLAECHSNER: Mr. President, I have two questions in reference to the cross examination.

REDIRECT EXAMINATION

BY DR. FLAECHSNER:

Q Mr. Speer, I refer to the answer which you gave to Justice Jackson at the end of the cross examination. To clear up the matter, I should like to ask: Assuming total responsibility, did you want to recognize the guilt or responsibility, or did you want to assume historical responsibility for your own people and for history?

A That is a very difficult question to answer, a question which the Court will decide. I only meant to say that even in a totalitarian system there must be total responsibility, and that it is impossible, after the catastrophe, to evade this total responsibility. If the war had been won, the leaders would also have assumed total responsibility. But to the extent that that is punishable or moral I cannot decide and do not want to decide.

Q The American Prosecution showed you a number of documents on events which for the most part, I believe, concerned the Krupp firm exclusively.

Did you say that you yourself had no knowledge of these events? Did I understand you correctly?

A I did not know of the details to a great enough extent to be able to judge these documents.

DR. FLAECHSNER: I have no more questions, Mr. President. I must reserve the right, in connection with these affidavits introduced against my client -- it was not quite clear to me -- to cross examine the persons who issued these affidavits. I may have to do that. They are events of which I had no knowledge previously.

Then, Mr. President, in five minutes I will be finished with my case.

M0162 - 0096

THE PRESIDENT: Dr. Flaechsner, with reference to these affidavits, if you want to cross-examine any witness you must apply in writing to do so, and you must do so promptly. I think I am correct in saying that there are only two other of the defendants to be examined, and unless the application comes in soon, it will not be possible to find the witnesses or to bring them here in time.

Now, you say you will finish in five minutes?

DR. FLAECHSNER: Yes.

THE PRESIDENT: I think you may as well finish now, then. However, Dr. Flaechsner, the Tribunal has one or two questions to put to the defendant.

BY THE TRIBUNAL (Judge Biddle):

Q Defendant, you spoke of not using the Western prisoners in war industry and in the making of munitions, do you remember?

A Yes.

Q Were there regulations to that effect?

A Yes.

Q There were regulations to that effect?

A I said that from my memory, which is not precise. I only recall talks with Keitel about the employment in individual cases, and in these individual cases Keitel refused it. Otherwise I had no knowledge.

Q You never saw any regulations which made that distinction, did you?

A No.

Q With respect to civilians from non- occupied countries, they were used in war industries, I suppose, were they not?

A Foreign workers were used without consideration.

Q That is exactly what I want to know.

Now, you said the concentration camps had a bad reputation. I think those were your words, were they not, "a bad reputation"? Is that right?

A Yes.

Q What did you mean by that phrase "bad reputation"?

H0162 - 0097

What sort of reputation, for what?

A That is hard to define. It was known in Germany that a stay in a concentration camp was unpleasant. I also knew this, but I did not know any details.

Q Well, even if you didn't know any details, isn't "unpleasant" putting it a little mildly? Wasn't the reputation that violence and physical punishment were used in the camps? Wasn't that the reputation that you meant? Isn't it fair to say that, really?

A No, that is going a little too far, according to what we know. I assumed that mistreatment occurred in individual cases, but I did not assume that that was the rule. I did now know that.

Q Didn't you know that violence or physical force was used to enforce the regulations if the internees did not obey them?

A No, I did not know that in this form. I must say that at the time when I was a minister, as odd as it sounds, I was less disturbed about the inmates of concentration camps than before because while I was a minister I heard from official sources, only good things about the concentration camps. It was said that the food was being improved, and so forth and so on.

Q Only one other question. I was interested in what you said at the end about all of the leaders being responsible for certain general principles, certain great things. Can you state any one of those things? What did you mean? What principles? Did you mean going on with the war, for instance?

A I think such a basic thing as the beginning of the war or the end of the war, for example.

Q You mean, at the beginning of the war and at the end of the war, basic principles for which the leaders were responsible?

A Yes.

JUDGE BIDDLE: Thank you.

H0162 -0098

THE PRESIDENT: The defendant can return to the dock.

THE PRESIDENT: You may as well finish, Dr. Flaechsner.

DR. FLAECHSNER: Yes, gladly.

I should like to submit a letter from Sauckel of the 28th of January, 1944, which was mentioned yesterday. I wish to give it Exhibit Number 31.

Then, another letter from Speer to Sauckel of the 11th of March, 1944, to which I give Exhibit Number 32.

Then, the execution decree, the decree which the defendant mentioned yesterday, at page 81 of the English document book, which I submit as Exhibit 33.

Then, as Exhibit 34, I should like to submit a letter of Hitler to Speer dated 21 April 1944.

THE PRESIDENT: Will you give us the date of Exhibit 33? You said page 81. Did you mean page 81 of the original, which is 85 in the English?

DR. FLAECHSNER: No, in the English text, Mr. President.

THE PRESIDENT: What is the date of the document?

DR. FLAECHSNER: That was an execution decree for a Fuehrer decree of the 19th of March, 1945.

THE PRESIDENT: That doesn't seem to be right, because page 81 of our copy is the end--

JUDGE BIDDLE: It is on page 80.

THE PRESIDENT: Is it a decree of March 22, 1945? Is that the thing you mean?

DR. FLAECHSNER: Yes.

THE PRESIDENT: Then it is on page 80.

DR. FLAECHSNER: It is the execution decree of the Fuehrer decree.

THE PRESIDENT: Very well.

DR. FLAECHSNER: The next document, Mr. President, is on page 55, and page 52 of the original, the same as the French text. It is a letter of Hitler to Speer regarding entrusting [illegible] with the construction of [illegible]

That is number 34.

H0162 – 0099

21 June A -LJG- 23-4

Ministerial Direktur Dorsch wi[illegible] the construction of [illegible]ighter planes. That is number 34.

I will have to hand in No. 35 later.

As Exhibit No. 36 I submit the interrogatory of Kehrl. It is signed by the witness, Hans Kehrl, and the signature is certified by an officer, and signed by a representative of the Prosecution and by me.

THE PRESIDENT: What page is that--36?

DR. FLAECHSNER: Exhibit 37 is the--

THE PRESIDENT: No, 36. We want the page of it.

DR. FLAECHSNER: Yes, 36 is on page 105 in the original.

On Page 113, Mr. President, of the document book you will find excerpts from the questioning of the witness Schieber, which I submit as Exhibit 37. It is handed in, in German and English. The minutes are certified by a member of the Prosecution and by me.

In the second book, on page 127, the Court will find the examination of the witness Schmelter, which I submit as Exhibit 38. This is certified in the same way.

On page 136 of document book 11, I submit the testimony of the witness Hupfauer. That will be Exhibit No. 39.

On page 142 of the document book 11 the Court will find the examination of the witness Sauer. I submit this as Exhibit 40. It is in English and German. The English is certified by the signature of a member of the Prosecution and by

On page 148 of the second document book the Court will find the interrogatory of Frank, or the record of the examination of Frank, carried out in Ludwigsburg by the Prosecution and by me.

THE PRESIDENT: That was 41, was it not?

DR. FLAECHSNER: That was 41, Mr. President.

On Page 153 the court will find the record of the examination of Roland, which will be Exhibit 42. This also is in English and in German, and is certified in the usual way.

On page 165 of the document book the Court will find the record of the examination of the witness Kempf, carried out on May 3rd at Kransberg by the Prosecution and by me. It is certified in the usual way. It is Exhibit No. 43.

THE PRESIDENT: How many more have you got?

DR. FLAECHSNER: There are two more.

On page 176 of the document book is the interrogatory concerning Guderian,

H0162-0100

who was questioned at Hersbruck. The record is in English and German, and the English is certified by me and the Prosecution. That is No. 44.

On page 181 of the document book--this will be Exhibit No. 45--the Court will find the testimony of Stahl, also in English and German, the English being certified by the Prosecution and by me.

Finally, on page 186 of the document book there is the interrogatory of Karl Brandt, which is certified by the camp authorities. It is in English and German.

THE PRESIDENT: Is that all?

DR. FLAECHSNER: That will be 46, and that is all.

Mr. President, yesterday the defendant referred to excerpts of the Fuehrer talk of 3 to 5 January. This document has not yet been translated. With your permission, I shall submit it later. The Prosecution has already seen it and has no objection.

That concludes the documents which I wish to present. The Court does not want a long speech on the documents in the document book, especially since the Russian Prosecution has already presented the documents, and I conclude Mr. Speer's case.

THE PRESIDENT: The Tribunal will adjourn.

H0162-0101